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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

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CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

GOOGLE INC.,

Defendant.

No. 4:07-CV-487-A

SUPPLEMENTAL APPENDIX IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL

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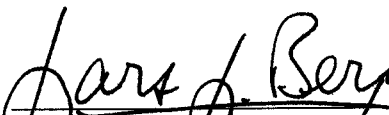
Attorneys for Plaintiff American Airlines, Inc.

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American Airlines, Inc. respectfully submits this supplemental appendix in support of its motion to compel filed on May 7, 2008. Exhibits L, O, and V to American's original appendix reflected that they were placeholders for documents that Google originally designated, or by extension were designated, as highly confidential. Google has withdrawn that designation as to the attached portions of such documents; therefore, American is now free to file them. American has added highlights to some of the following exhibits to direct the Court's attention to relevant passages:

<u>Exhibit</u>	<u>Page(s)</u>	<u>Description</u>
Exhibit L:	81-83	Excerpts from 30(b)(6) Deposition of Chris Millikin, conducted on March 14, 2008 ("Millikin Tr.").
Exhibit O:	94-116	Excerpts from 30(b)(6) Deposition of Leslie Altherr, conducted on March 20, 2008 ("Altherr Tr.").
Exhibit V:	168-171	List of deposition questions which Google's counsel instructed Leslie Altherr not to answer, organized by category.

Respectfully submitted,



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CERTIFICATE OF SERVICE

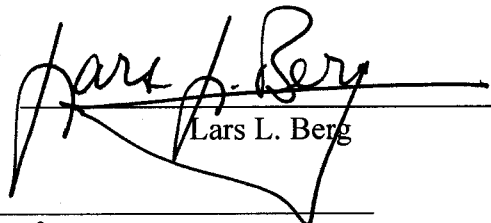
I certify that a true and correct copy of the foregoing was delivered on the 9th day of May,
2008 to Defendant's counsel, as follows:

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CHRIS MILLIKIN

March 14, 2008

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ACCESS LIMITED BY CONFIDENTIALITY AGREEMENT

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

Fort Worth Division

--oOo--

AMERICAN AIRLINES, INC.,)

)

Plaintiff,)

vs.) Case No. 4-07CV-487-A

)

GOOGLE INC.,)

)

Defendant.)

)

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30(B)(6) DEPOSITION OF

CHRIS MILLIKIN

MARCH 14, 2008

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REPORTED BY: CAROLYN M. MANN, CSR 10066 [#407383]

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Documents from Defendant Google Inc. 61

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--oOo--

Deposition of Chris Millikin, taken by the
Plaintiff at 633 Battery Street, San Francisco,
California, commencing at 7:45 a.m. on March 14, 2008,
before CAROLYN M. MANN, CSR, pursuant to Notice.

--oOo--

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--oOo--

Page 4

SAN FRANCISCO, CALIFORNIA

FRIDAY, MARCH 14, 2008

7:45 a.m.

--oOo--

CHRIS MILLIKIN

called as a witness, who, having been first duly sworn,

was examined and testified as follows:

--oOo--

EXAMINATION BY MR. BROWN

(Deposition Exhibit 1 was marked for

identification prior to the start of the

deposition)

MR. BROWN: So Mr. Hamm, just so we have a
complete deposition record for the judge and so that my
transcript is clear, I'm Fred Brown. I represent
American Airlines, and I represent American Airlines in
a case against Google.

I understand that you are being offered by
Google as a corporate representative on certain issues.
I've given you Exhibit I, which is the 30(b)(6) notice,
and ask you which topics you have been designated to
testify on.

MR. HAMM: Before he does that, I'll just make
my appearance. I'm Klaus Hamm from the law firm Keker

Page 5

Van Nest, representing Google, Inc.

THE WITNESS: I am here prepared to testify
for items 15 and 16.

MR. BROWN: Q. And what have you done to
prepare yourself on those two items?

A. For number 15, just personal and professional
knowledge. And number 16, I met with counsel yesterday
to discuss some specifics of the case, as well as
Google's internal legal and --

MR. HAMM: I just, in answering his question,
don't discuss any specifics of our conversation. That's
attorney-client privilege.

THE WITNESS: Understood.

MR. BROWN: Q. Your answer might have been
interrupted, so were you finished?

A. I was. Thank you.

Q. And how much time did you prepare to answer
question 16? And let me just, so that we have it
present in the transcript, topic 16 is "Google's
preservation of, search to find and produce documents in
this action." How much time did you prepare to testify
about that particular topic?

A. I'm sorry. Could you say that part again?

Q. Yes.

A. Search to find?

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1 A. I was told and remember specifically now that
2 it was in October; that the legal hold was placed on, I
3 believe, 126 accounts; that approximately in two blocks,
4 the two dozen people, two dozen accounts were actually
5 searched and the data was collected. I was shown a list
6 of names, which I did not commit to memory, and
7 particular departments and titles of those who were
8 involved. You have -- I'm gesturing to the list that
9 Fred has in front of him. I connected the dots with the
10 issue from the week prior with regard to the
11 compatibility issues we had with files, who we merely
12 referred to as the legal team prior to that point, was a
13 vendor, or anything, anything more specific than that.
14 Q. Let me ask you about the 126 accounts that you
15 say were put on legal hold in October. When did you
16 learn that?
17 A. Yesterday.
18 Q. Did you know that before yesterday?
19 A. No.
20 Q. And who told you that yesterday?
21 A. Leslie.
22 Q. What did she say about that?
23 A. There are 126 accounts that we had put on
24 legal hold in October.
25 Q. Did she show you -- were you shown any

Page 47

1 documents at any point in time yesterday?
2 A. There's a document in front of you that looks
3 like the document I was shown. I can't read it from
4 here, but that may be the document. Other than that,
5 and the (Witness indicates) -- I'm not sure what you
6 call this.
7 MR. HAMM: Deposition notice.
8 THE WITNESS: Deposition notice, and a cover
9 page for the request, but I don't remember the details
10 of that.
11 MR. BROWN: Q. Okay. Other than those three
12 documents, were you shown anything yesterday?
13 A. No, I was not.
14 Q. You weren't shown the legal ticket that you
15 mentioned earlier --
16 A. No, I was not.
17 Q. -- that began the search process for these
18 documents?
19 A. No.
20 MR. BROWN: Let's have the next exhibit marked
21 in order
22 (Deposition Exhibit 2 was marked for
23 identification.)
24 MR. BROWN: Q. So I've got before you what is
25 Exhibit 2 in this case, and it's a list of custodians

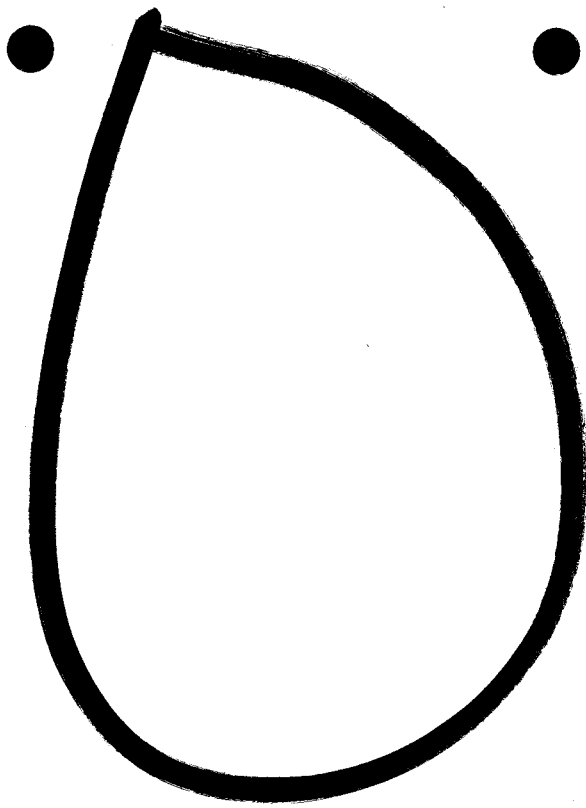
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1 and titles. I believe it's 21 names that your counsel
2 had given to us, I believe it was last week. Have you
3 seen this list before?
4 A. I have.
5 Q. And when did you see this list?
6 A. Yesterday.
7 Q. And what were you told about this list?
8 A. These are the folks who we have done search
9 and collection of data, the accounts, these folks'
10 accounts.
11 Q. And other than the conversation you had
12 yesterday, you don't have any knowledge about whether
13 these accounts were actually searched or not.
14 A. I don't.
15 Q. Did the conversation yesterday, or any
16 conversation you've had, relate to what other kinds of
17 documents other than e-mails and attachments were
18 searched for these people?
19 A. Can you ask the question one more time? I'm
20 sorry.
21 Q. Yes. For example, some people have hard copy
22 files, some people might have local files on their
23 computers. Were you told anything about the search for
24 those non-e-mail files?
25 A. We would have -- I do know that we searched

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1 also their, searched and collected their home
2 directories on what we refer to as filer. It's a
3 network filer, F-I-L-E-R. It's a network-attached
4 storage device. It's where home directories and such
5 reside.
6 Q. So tell us, because we have to, we have to
7 understand what you are talking about, and the judge
8 also has to understand what you're talking about --
9 A. I understand.
10 Q. -- none of us are technically as savvy as you
11 are, so tell us what you mean by "filer." Also tell us
12 what you mean by "home directory."
13 A. Uh-huh. Filer, again, is a network-attached
14 storage device. Think of it as a hard drive that you
15 access over the network as opposed to on your local
16 machine. It can be shared with others; it generally is.
17 And that is where hard copies of files of any sort can
18 be stored.
19 Q. So give me an example.
20 A. Home directory -- I'm sorry.
21 Q. I apologize for interrupting. Please
22 continue.
23 A. I'm trying to remember. A home directory is a
24 specific piece of that carved out for an individual
25 user; that is, a user's allocated space. And when I use

13 (Pages 46 to 49)



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AMERICAN AIRLINES, INC.,)

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GOOGLE INC.,)

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Defendant.)

)

HIGHLY CONFIDENTIAL

30(B)(6) DEPOSITION OF

LESLIE ALTHERR

MARCH 20, 2008

HIGHLY CONFIDENTIAL

ACCESS LIMITED BY CONFIDENTIALITY AGREEMENT

REPORTED BY: CAROLYN M. MANN, CSR 10066 [#407553]

LESLIE ALTHERR **March 20, 2008**
HIGHLY CONFIDENTIAL - ACCESS LIMITED BY CONFIDENTIALITY AGREEMENT

<p style="text-align: center;">2</p> <p>1 INDEX</p> <p>2 INDEX OF EXAMINATIONS</p> <p>3 EXAMINATION BY MR. BROWN 4</p> <p>4 EXHIBITS MARKED FOR IDENTIFICATION</p> <p>5 Exhibit 7 E-mail chain including message from</p> <p>6 Prashant Fuloria to Jane Butler, dated</p> <p>7 December 20, 2003; Bates Nos. 127271 -</p> <p>8 127274, 144884 - 144885, 140728 - 140134 . 83</p> <p>9</p> <p>10 Exhibit 8 E-mail chain including message from</p> <p>11 Prashant Fuloria to Leshika Saurasinghe,</p> <p>12 Bismarck Lepe, and Kabir Masson, dated</p> <p>13 February 11, 2004; Bates Nos. 127082 -</p> <p>14 127091 97</p> <p>15</p> <p>16 Exhibit 9 Document entitled "Google/American</p> <p>17 Airlines Document Production Cross</p> <p>18 Reference Log" 107</p> <p>19</p> <p>20 Exhibit 10 Document entitled "List of companies from</p> <p>21 AA's Second Request for Admission to</p> <p>22 Google" 111</p> <p>23</p> <p>24 -oOo-</p> <p>25</p>	<p style="text-align: center;">4</p> <p>1 SAN FRANCISCO, CALIFORNIA</p> <p>2 THURSDAY, MARCH 20, 2008</p> <p>3 1:04 p.m.</p> <p>4 --oOo--</p> <p>5 LESLIE ALTHERR</p> <p>6</p> <p>7 called as a witness, who, having been first duly sworn,</p> <p>8 was examined and testified as follows:</p> <p>9 --oOo--</p> <p>10 EXAMINATION BY MR. BROWN</p> <p>11 MR. BROWN: Should probably have</p> <p>12 introductions, so we know who's here.</p> <p>13 MR. HAMM: I'm Klaus Hamm, from the firm Kecker</p> <p>14 & Van Nest, representing the defendant, Google, Inc.</p> <p>15 MS. WEXLER: I'm Stacey Wexler, an attorney at</p> <p>16 Google.</p> <p>17 MR. BROWN: I'm Fred Brown. I'm not</p> <p>18 affiliated with Google, but at Gibson Dunn & Crutcher,</p> <p>19 representing American Airlines in the American Airlines</p> <p>20 vs. Google lawsuit.</p> <p>21 Q. May I pronounce your last name Alther?</p> <p>22 A. Alther.</p> <p>23 Q. Alther?</p> <p>24 A. Uh-huh, A-L-T-H-E-R-R.</p> <p>25 Q. I understand that you are here as a, what we</p>
<p style="text-align: center;">3</p> <p>1 oOo--</p> <p>2 Deposition of Leslie Alther, taken by the</p> <p>3 Plaintiff at 710 Sansome Street, San Francisco,</p> <p>4 California, commencing at 1:04 p.m. on March 20, 2008,</p> <p>5 before CAROLYN M. MANN, CSR, pursuant to Notice.</p> <p>6 --oOo--</p> <p>7 APPEARANCES</p> <p>8 FOR THE PLAINTIFF:</p> <p>9 GIBSON, DUNN & CRUTCHER LLP</p> <p>10 One Montgomery Street, Suite 3100</p> <p>11 San Francisco, California 94104</p> <p>12 BY: FREDERICK BROWN</p> <p>13</p> <p>14 FOR THE DEFENDANT:</p> <p>15 KECKER & VAN NEST LLP</p> <p>16 710 Sansome Street</p> <p>17 San Francisco, California 94111</p> <p>18 BY: KLAUS H. HAMM</p> <p>19 ALSO PRESENT:</p> <p>20 STACEY L. WEXLER</p> <p>21 Google Litigation Counsel</p> <p>22</p> <p>23 -oOo-</p> <p>24</p> <p>25</p>	<p style="text-align: center;">5</p> <p>1 call a corporate representative witness. Is that your</p> <p>2 understanding?</p> <p>3 A. Yes.</p> <p>4 Q. I have before you Exhibit 1, and we have a</p> <p>5 general agreement that we are going to, as best lawyers</p> <p>6 can, number exhibits in a serial fashion. We took</p> <p>7 Mr. Millikin's deposition the other day as a corporate</p> <p>8 representative witness, and this is an exhibit from his</p> <p>9 deposition, but we'll use it in yours as well.</p> <p>10 A. Okay.</p> <p>11 Q. And we're going to see if we can stay to that</p> <p>12 regimen throughout the litigation.</p> <p>13 A. Okay.</p> <p>14 Q. So I'm putting before you Exhibit 1</p> <p>15 A. Uh-huh.</p> <p>16 Q. If you can tell me which topics you are</p> <p>17 prepared to testify about, that would be helpful to me.</p> <p>18 And Exhibit 1, just for the record, is the</p> <p>19 notice of Rule 30(b)(6) deposition of Google.</p> <p>20 A. Topic 16, Google's preservation of search logs</p> <p>21 and and produce documents in this action.</p> <p>22 Q. And what did you do to prepare yourself to</p> <p>23 testify about topic 16?</p> <p>24 A. I reviewed e-mail communications between</p> <p>25 myself and counsel, and e-mail communications between</p>

2 (Pages 2 to 5)

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<p style="text-align: right;">14</p> <p>1 MR. HAMM: Just be careful not to reveal any</p> <p>2 communications that you had at the instructions of</p> <p>3 counsel.</p> <p>4 THE WITNESS: Okay. Ask for the type of</p> <p>5 documents we're looking for.</p> <p>6 MR. BROWN: Q. And what kind of documents are</p> <p>7 you looking for?</p> <p>8 A. Trademark policy documents, trademark -- that,</p> <p>9 both internal and external policy documents, trademark</p> <p>10 team training materials on how to handle trademark</p> <p>11 complaints.</p> <p>12 Q. Is there a, an electronic storage place that</p> <p>13 you go to retrieve those documents?</p> <p>14 MR. HAMM: Just, are you asking her where she</p> <p>15 goes or where somebody else goes? Are you asking about</p> <p>16 where Google goes or where Leslie goes?</p> <p>17 MR. BROWN: Q. Where she goes.</p> <p>18 MR. HAMM: Objection, lack of foundation.</p> <p>19 THE WITNESS: I don't go. I ask to get</p> <p>20 provided the documents.</p> <p>21 MR. BROWN: Q. So you ask other people for</p> <p>22 the documents, and they send them to you, essentially.</p> <p>23 A. Correct.</p> <p>24 Q. You don't go to the electronic database</p> <p>25 yourself, wherever it may be, and do a search for those</p>	<p style="text-align: right;">16</p> <p>1 Q. Do you recall when she responded to you?</p> <p>2 A. Same. Immediately.</p> <p>3 Q. And do you recall how many documents she</p> <p>4 provided you with?</p> <p>5 A. Not actual number, but she provided us with</p> <p>6 what we asked for.</p> <p>7 Q. Can you describe it in terms of quantity? Was</p> <p>8 it like a gigabyte, two gigabytes? If you know. I</p> <p>9 don't want you to guess.</p> <p>10 A. I don't know.</p> <p>11 Q. So you don't know page number, number of</p> <p>12 documents, or quantity described as gigabytes or</p> <p>13 megabytes, those kinds of things?</p> <p>14 A. They were electronic, and I didn't check the</p> <p>15 file size, no.</p> <p>16 Q. So other than the categories of trademark</p> <p>17 policy, both internal and external, training materials,</p> <p>18 and how to handle trademark complaints, were there any</p> <p>19 other trademark documents, trademark-related documents</p> <p>20 that you asked from Alene or anyone on the trademark</p> <p>21 team?</p> <p>22 A. That I specifically asked?</p> <p>23 Q. Yes.</p> <p>24 A. I followed up with Alene to ask about training</p> <p>25 documents on how to use --</p>
<p style="text-align: right;">15</p> <p>1 documents.</p> <p>2 A. No, I --</p> <p>3 MR. HAMM: Vague as to time.</p> <p>4 THE WITNESS: No.</p> <p>5 MR. BROWN: Q. And how many -- who is on the</p> <p>6 trademark team with whom you checked?</p> <p>7 A. I checked with Alene Latimer.</p> <p>8 Q. Please spell her name.</p> <p>9 A. Alene, A-L-E-N-E, Latimer, L-A-T-I-M-E-R.</p> <p>10 Q. Did you check with anyone else?</p> <p>11 A. Alene was my, my main contact from the</p> <p>12 trademark team.</p> <p>13 Q. And what is Alene's position?</p> <p>14 A. She's a trademark paralegal.</p> <p>15 Q. And do you know if she in turn did any</p> <p>16 checking, further checking? Did she, for example, reach</p> <p>17 out to the lawyers? If you know. If you don't know,</p> <p>18 that's fine. You can tell me you don't know.</p> <p>19 A. I don't know.</p> <p>20 Q. And how long has Alene been there?</p> <p>21 A. I would have to guess.</p> <p>22 MR. HAMM: Don't, if you don't know, don't --</p> <p>23 THE WITNESS: I don't know exact time frame.</p> <p>24 MR. BROWN: Q. When did you check with Alene?</p> <p>25 A. I believe it was in the November time frame.</p>	<p style="text-align: right;">17</p> <p>1 MR. HAMM: Again --</p> <p>2 THE WITNESS: Sorry.</p> <p>3 MR. HAMM: -- please don't, please don't talk</p> <p>4 about what you asked for from Alene.</p> <p>5 THE WITNESS: Okay. Sorry.</p> <p>6 I asked for additional documents from Alene.</p> <p>7 MR. BROWN: Q. What documents?</p> <p>8 MR. HAMM: Fred, I'm just trying to be careful</p> <p>9 here to have her not testify about communications that</p> <p>10 she's had with Alene. If you want to ask her about what</p> <p>11 documents Alene provided to her, that's fine.</p> <p>12 MR. BROWN: I want to know what documents she</p> <p>13 asked for.</p> <p>14 MR. HAMM: That's a privileged communication.</p> <p>15 MR. BROWN: Are you instructing her not to</p> <p>16 answer?</p> <p>17 MR. HAMM: I'm instructing her not to answer.</p> <p>18 MR. BROWN: Q. Other than following up with</p> <p>19 Alene to ask her more about training documents, what</p> <p>20 other kinds of documents did you ask Alene for?</p> <p>21 MR. HAMM: Objection, same objection.</p> <p>22 MR. BROWN: It's got to be an instruction.</p> <p>23 MR. HAMM: And I instruct you not to answer.</p> <p>24 MR. BROWN: Q. I just meant by that -- I'm</p> <p>25 not asking him to give you an instruction. I'm just</p>

18	20
1 telling him, an objection is not good enough; he needs 2 to give you an instruction not to answer, if that's what 3 he wants you to do. 4 A. Okay. 5 Q. What documents -- describe the categories of 6 documents that Alene gave to you. 7 A. Trademark team documents, which I think I 8 already told you. 9 Q. What categories of trademark team documents? 10 A. Training materials for the team, which include 11 how to use a tool called Beaker, policy as it relates to 12 trademark terms. I believe those are the main 13 categories of documents from the trademark team. 14 Q. The other noncustodial data source you said 15 you checked was the ads database. What did you do to 16 check for documents from the ads database? 17 A. Contacted an ads engineer. 18 Q. And who was that? 19 A. There were a few folks on the ads engineering 20 team that we asked for help. I believe ultimately, the 21 engineer's name was Robert On, O-N. 22 Q. And what did you ask him for? 23 MR. HAMM: Again, I'm going to object to that 24 question and I'm going to instruct you not to answer. 25 MR. BROWN: Q. In your request to Alene and	1 you, how you worked with the other ads engineers other 2 than Robert. If all they did was refer you to Robert, 3 then I will simply focus on Robert. 4 A. Basically, that's Robert et al. 5 MR. HAMM: I'll let her answer that question 6 if you agree that it's not a waiver of anything, just to 7 expedite the process. Is that ...? 8 MR. BROWN: No, I won't make any agreements. 9 That's really an issue that you have to -- whether you 10 believe it's a privileged answer or not. I mean, you 11 know my position. I don't think any of the questions 12 that I've asked today call for attorney-client 13 privileged information. You're taking a different cut 14 on it, so ... 15 MR. HAMM: What's the question? 16 MR. BROWN: Q. I began by saying, "If all 17 they did was refer you to Robert, then I will simply 18 focus on Robert." And the witness began to answer the 19 question, "Basically, that's Robert ..." 20 MR. HAMM: So that wasn't a question. I'm not 21 trying to be difficult here, but it didn't end with a 22 question. 23 MR. BROWN: I'll ask a question. 24 MR. HAMM: Okay. 25 MR. BROWN: Q. Did the other ads engineers
19	21
1 your request to Robert, did you ask them to search for 2 the use of particular terms so that you could determine 3 some relevancy from the documents you were asking them 4 to search for? 5 MR. HAMM: Again, same objection, same 6 instruction. If you want to ask if they used particular 7 terms, that's fine; not if she communicated anything of 8 that nature. It's the same instruction. 9 MR. BROWN: Q. What kind of documents are in 10 the ads database? 11 A. The ads database is a very large database that 12 keeps all the information about an advertiser's 13 campaign, keywords that are used for those campaigns, 14 dates, impressions, clicks, costs. Those are just some 15 of the things that I know off the top of my head. 16 Q. Did the persons other than Robert who were ads 17 engineers that you contacted, did they provide 18 information to you other than that you should work 19 through Robert? 20 A. I don't think I understand your question. 21 Q. Okay. See if I can do better. 22 You mentioned that you had contacted initially 23 more than one ads engineer, and eventually you got to 24 Robert. So I want to know if I need to -- I'm trying to 25 determine whether it's worth our while to explore what	1 solely refer you to Robert as the source for information 2 about the ads database? 3 MR. HAMM: Objection. I'm going to instruct 4 you not to answer. 5 MR. BROWN: Q. Did Robert eventually provide 6 information to you? 7 A. Yes. 8 Q. And what types of information did he provide 9 to you? 10 A. Data collected from the ads database. 11 Q. Did he provide -- did you ask him for any 12 information from an ads database that related to United 13 Airlines, for example? 14 MR. HAMM: Objection. I'm going to instruct 15 you not to answer. 16 MR. BROWN: Q. Travelocity? 17 MR. HAMM: Objection, instruction. 18 MR. BROWN: Q. Orbitz? 19 MR. HAMM: Objection, instruction. I'm -- you 20 can have it on the record that I'm objecting to any, any 21 question about communications that Leslie has had with 22 Robert in the process of collecting data in this case. 23 MR. BROWN: Q. CheapoAir? Question mark. 24 MR. HAMM: Objection. Instruct you not to 25 answer.

6 (Pages 18 to 21)

<p style="text-align: right;">22</p> <p>1 MR. BROWN: Q. Did you ask Robert for any 2 information related to conversion data? 3 MR. HAMM: Objection. That calls for 4 attorney-client communications. I instruct you not to 5 answer. 6 MR. BROWN: Q. When did Robert provide 7 information to you and in what form did he provide it? 8 A. It's raw data from the database. The time 9 frame, late December, early January. 10 Q. And if I've asked you this before, please 11 forgive me. When did you ask for the data from Robert? 12 MR. HAMM: Lack of foundation, objection. 13 You can answer the question, though. 14 THE WITNESS: I don't remember exactly dates. 15 Again, I think it was late fall. So maybe November time 16 frame, early December. 17 MR. BROWN: Q. And when you say raw data, 18 what do you mean? You said he provided raw data to you. 19 A. It was an extraction from the database. So it 20 looks much like fields and goobledygook to me, but ... 21 Q. Looks like a spreadsheet? 22 A. In other words -- similar. Yes. 23 Q. Did you receive any information about how 24 long, how many hours people-hours it took Robert or 25 others working with him to extract that data?</p>	<p style="text-align: right;">24</p> <p>1 MS. WEXLER: Leslie, if you're not clear, we 2 can take a break and talk about it. 3 THE WITNESS: Search terms. 4 MS. WEXLER: I'm not asking a question; 5 there's no question pending. I'm just saying, if you 6 need to take a break to talk to Klaus about what he's 7 trying to explain to you, you can take a break. 8 THE WITNESS: Search terms was the criteria. 9 There were search terms that were used. 10 MR. BROWN: Q. What search terms? 11 MR. HAMM: Objection, calls for attorney work 12 product. And I feel like you two are not talking about 13 the same thing right now at this point, but I will 14 explain more if you want me to, and I will not say 15 anything if you don't want me to. 16 MR. BROWN: I think all you, at this point, 17 should do is make objections or talk about 18 attorney-client privilege off the record if that's it. 19 I think my questions are clear. 20 MR. HAMM: Okay. 21 MR. BROWN: Q. But we do need an absolutely 22 clear record, so I'll ask the question again to make 23 sure we have a clear record of what's, what my question 24 is and what your answer is. 25 What search terms were used by Robert to</p>
<p style="text-align: right;">23</p> <p>1 MR. HAMM: Objection. If you're asking about 2 a communication that was made to Leslie, then I object 3 and I will instruct her not to answer. Again, if you 4 want to ask her how long it took for the data to be 5 extracted, that would be a question I wouldn't object 6 to. 7 MR. BROWN: Q. Do you know how many hours it 8 took to extract that data, how many person hours? 9 A. No. 10 Q. Do you know anything about the effort it took 11 to extract that data? 12 A. Not specifics, no. 13 Q. Do you know how the data was chosen from the 14 database, what criteria were used to select that 15 information? 16 A. At the advice of counsel. the criteria 17 was ... 18 MR. HAMM: Again, if -- don't talk about 19 information that was provided at the advice of counsel. 20 THE WITNESS: It's privileged. 21 MR. BROWN: Q. Do you know -- 22 MR. HAMM: Just, just, just so that we're 23 clear on what's privileged and what's not. if -- you can 24 testify about what criteria were used to select the data 25 from the database, if you know.</p>	<p style="text-align: right;">25</p> <p>1 search the ads database? 2 A. Search terms provided by counsel. 3 Q. And I'm asking you what those search terms 4 were. 5 MR. HAMM: I'll instruct you not to answer. 6 MR. BROWN: Q. Can you give us an idea of the 7 quantity of data that was provided to you by Robert? 8 A. No. 9 Q. And that's because you don't have an idea 10 about the quantity of that data? 11 A. I guess I need you to tell me what you mean by 12 "quantity." 13 Q. It could be in gigabytes; it could be in 14 cells; it could be in any way that you're able to 15 describe to us, and as you understood it, the quantity 16 of data that was provided. 17 A. I could not quantify it for you. 18 Q. What did you do with the data that you got 19 from Robert after you received it? 20 A. It was turned over to counsel. 21 Q. Were there any further communications that you 22 had with Robert about that data after you first received 23 it? 24 A. I may have been on a string of e-mail, but 25 it was with counsel.</p>

<p style="text-align: right;">26</p> <p>1 Q. Did you have to go back to Robert and ask for 2 more data or different data or less data, those kinds of 3 things? 4 A. I don't believe so. 5 Q. Let's go to the Beaker database, which you 6 said contains information related to trademark monitored 7 terms. I believe that's what you said. 8 A. Correct. 9 Q. So what is a trademark monitored term? 10 A. Well, there used to be a list of these terms. 11 These are terms that we monitor because they are 12 trademark marks; they are not to be used. I believe 13 there were other words in this monitored list before, 14 bad words, other terms that should not be used in 15 advertising. 16 Q. "Bad words" as in profanity? 17 A. Correct. Beaker is the tool to manage that 18 data because there's a lot of data now. 19 Q. Who manages the Beaker database, if you know? 20 A. On the back end it's engineers. I don't know 21 if it's one person. I can't say. 22 Q. Is there a head of a group, nonengineering 23 group that manages Beaker? 24 A. Well, it's a tool. And so in terms of 25 managing it, I think it's managed by an engineering</p>	<p style="text-align: right;">28</p> <p>1 MR. BROWN: Q. Did you ask her to search for 2 terms that Orbitz, for example, put on the, asked to be 3 put on the Beaker database? 4 MR. HAMM: Objection, instruct not to answer. 5 MR. BROWN: Q. Did you ask for terms that 6 American Airlines had asked not to be used by Google? 7 MR. HAMM: Objection, instruct not to answer. 8 MR. BROWN: I assume if I ask about other 9 entities you would give the same instruction? 10 MR. HAMM: I would. As long as you're asking 11 about communications that she had with Alene. 12 MR. BROWN: Q. What words were used to search 13 the Beaker database? 14 MR. HAMM: Objection; lack of foundation, 15 assumes facts. 16 MR. BROWN: Q. Well, were any words used to 17 search the database for information responsive in this 18 case? 19 A. Yes. 20 Q. Which words? 21 MR. HAMM: Objection, instruction not to 22 answer. 23 MR. BROWN: Q. When did you ask Alene Latimer 24 for the information related to the Beaker ads database? 25 A. In --</p>
<p style="text-align: right;">27</p> <p>1 team. 2 Q. And you don't know who the head of that team 3 is? 4 A. I know an individual who's, who has been on 5 the team for developing the tool. I don't know if -- I 6 can't tell you his manager's name. 7 Q. And with whom did you communicate related to 8 the Beaker database? 9 A. I've communicated with Alene Latimer about 10 Beaker. 11 Q. And she is a legal assistant within the 12 trademark group? 13 A. Correct. 14 Q. And what did you ask of Alene related to the 15 Beaker database? 16 MR. HAMM: Objection. I'm going to instruct 17 you not to answer that on attorney-client privilege 18 grounds. 19 MR. BROWN: Q. Did you describe to her what 20 words you wanted searched for within the Beaker 21 database? 22 MR. HAMM: Objection, same instruction. 23 MR. BROWN: Q. Which words did you ask her to 24 search for? 25 MR. HAMM: Again, same objection.</p>	<p style="text-align: right;">29</p> <p>1 MR. HAMM: You can go ahead. 2 THE WITNESS: Can you repeat the question? 3 I'm sorry. 4 MR. BROWN: Q. It was a when question. When 5 did you ask for the information from Alene? 6 A. I believe that was in the November-December 7 time frame. 8 Q. When did she respond? 9 A. I think there was a couple weeks lag time 10 because, the time to collect it. 11 Q. Can you give us an estimate of the quantity of 12 information, whether it's pages or gigabytes or 13 megabytes, however you can describe it? Can you give us 14 any description of the quantity? 15 A. I cannot quantify the data. 16 Q. Other than Alene, did you talk to anyone else 17 or communicate with anyone else related to the Beaker 18 database, in terms of trying to collect information from 19 the database? 20 A. No. 21 Q. How do words get onto the, the Beaker tool or 22 database? 23 A. I don't know. That's the trademark team. 24 That's what the trademark team does. That's not my 25 area.</p>

8 (Pages 26 to 29)

<p style="text-align: right;">30</p> <p>1 Q. And I'm not talking about how does an engineer 2 put them on or a programmer put them on, but how are 3 words selected for the Beaker database? 4 MR. HAMM: And you can answer the question if 5 you know the answer, but I'm just going to note that 6 this is outside the scope of the 30(b)(6) topic. 7 THE WITNESS: I don't know. It's not my area. 8 MR. BROWN: Q. Fair enough. I'm not being 9 critical in any way, just asking to see if you have that 10 information. 11 Now, you mentioned Trax, which you also 12 described generally as a customer support database. 13 A. It's an interface tool. It's a communication 14 tool. 15 Q. And with whom did you communicate in order to 16 get information from the Trax database? 17 A. I contacted Logan Hanks, who is an engineer. 18 Q. Did you contact anyone else about that 19 database? 20 A. I did not. 21 Q. And what did you ask Logan for? 22 MR. HAMM: Objection. I'm going to instruct 23 you not to answer. 24 MR. BROWN: Q. Did you give him any search 25 terms that he should look for, or other criteria?</p>	<p style="text-align: right;">32</p> <p>1 A. I think it came in December. 2 Q. I'm going to ask that you just, you -- why 3 don't we take a 10-minute break. 4 A. Okay. 5 (Recess taken.) 6 MR. BROWN: Q. Do you know how much time was 7 spent in gathering information from the Trax database? 8 A. Man-hours, computer hours? 9 Q. Yes, yes. 10 A. No. 11 Q. How about Beaker? 12 A. No. 13 Q. How about the TM team documents? 14 A. No. 15 Q. Do you know if anyone other than you and those 16 whom you've identified on the record today were involved 17 in searching those databases that you mentioned for 18 documents related to this case? 19 A. Repeat the question? I'm sorry. 20 Q. Yes. Do you know if any persons other than 21 those you've identified in this deposition today were 22 involved in searching the various databases that you've 23 mentioned in this deposition? 24 A. Not that I'm aware of. 25 Q. And how much time have you spent on gathering</p>
<p style="text-align: right;">31</p> <p>1 MR. HAMM: Objection. Instruction not to 2 answer. 3 MR. BROWN: Q. Are you aware whether he used 4 any criteria to search the Trax database? 5 MR. HAMM: Objection, assumes facts not in 6 evidence. 7 You can answer the question, though. 8 THE WITNESS: Yes. 9 MR. BROWN: Q. What, what criteria did he 10 use? 11 A. Search terms. 12 Q. Which search terms? 13 MR. HAMM: Objection, calls for work product 14 and attorney-client privileged communication. 15 MR. BROWN: Q. When did you ask him for the 16 information and when did he provide it to you? And I'm 17 assuming, I think we actually established just the other 18 day, Logan is a man's name in this instance? 19 A. Yes. 20 Q. When did you ask him, when did he provide the 21 information to you? 22 A. Again, I believe that was the November time 23 frame. 24 Q. So you asked for it in November. Did he also 25 provide it in November?</p>	<p style="text-align: right;">33</p> <p>1 documents relevant to this case? 2 A. Time. So just actually collection, or just 3 the whole process of... 4 Q. Let's talk about collection, if you can. If 5 you don't have an estimate, you can fairly tell me that 6 if that's, in fact, the case. 7 A. A long time. I can't, I can't really give -- 8 I mean, I can give you an estimate, I guess, if I have 9 to break it down into hours. Yeah, I would be guessing. 10 So... 11 Q. Don't guess. 12 Are there any other databases that come to 13 mind, other than those you mentioned that you asked to 14 be searched? And I'm going to get to e-mails in a 15 moment, but putting aside the e-mails, any databases 16 other than those that you've mentioned? 17 A. There's the keyword tool. 18 Q. And what is the keyword tool? 19 A. The keyword tool, as -- I have limited 20 understanding on the keyword tool. It's not a tool I 21 have access to or play with. The keyword tool is where 22 advertisers can put in words to get suggestions for 23 their advertising campaigns. 24 MR. HAMM: And again, this is beyond the scope 25 of the deposition.</p>

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1 THE WITNESS: Yes, this is --	1 MR. HAMM: Object, same objection. Compound.
2 MR. HAMM: But it's fine to ask her questions	2 I just --
3 about it if she knows the answer.	3 MR. BROWN: Q. When was it asked for?
4 MR. BROWN: Q. Oh, I see what happened. I	4 A. I think this week.
5 was asking you for what databases were searched at your	5 Q. When was it provided?
6 request for information related to this lawsuit. Is	6 A. I don't believe it's been provided.
7 keywords one of those databases that was searched for	7 Q. Any other databases other than the e-mail
8 documents relevant to this case?	8 database that has been searched by Google for documents
9 MR. HAMM: Keyword tool?	9 responsive to American's request for information?
10 MR. BROWN: Q. Keyword tool.	10 A. You say e-mail database. Are you talking
11 A. It is one of the tools that's being searched	11 about Trax?
12 for data.	12 Q. No, I'm not talking about Trax.
13 Q. And what is being done, what has been done,	13 A. You're not talking about Trax.
14 and who did it?	14 Q. I'm -- I am not talking about Trax.
15 A. It's at advice of counsel as to what's being	15 A. Okay.
16 searched.	16 Q. I'm talking about -- when I say e-mail
17 Q. Were you involved in asking for the	17 databases, I'm talking about the, what I think you refer
18 information from someone who searched the keyword	18 to as --
19 database?	19 A. Custodial --
20 A. Limited. It was on the communication.	20 Q. -- custodial.
21 Q. Who was in charge of getting the information	21 A. -- sources.
22 from the keyword tool or database?	22 Q. Yes.
23 A. Dustin --	23 A. So you're asking me about noncustodial
24 MR. HAMM: Objection, vague.	24 sources.
25 You can answer, though.	25 Q. Correct.
35	37
1 THE WITNESS: Dustin Baker.	1 MR. HAMM: Just, what's -- let's get the
2 MR. BROWN: Q. Who is Dustin Baker?	2 question back on the record.
3 A. A software engineer.	3 MR. BROWN: Q. Other than the custodial
4 Q. And who made the request to Dustin?	4 databases, are there any other databases, other than
5 A. Counsel.	5 you've already mentioned, that have been searched by
6 Q. Did you make it? Did you make the request?	6 Google for information related to this case?
7 A. I was on the communication.	7 MR. HAMM: I'm going to object that that
8 Q. But you did not, you did not make it.	8 question is vague.
9 A. No.	9 You can answer.
10 Q. And what was Dustin Baker asked for?	10 THE WITNESS: Pending right now, I don't
11 MR. HAMM: Objection. I'm going to instruct	11 believe so.
12 you not to answer the question.	12 MR. BROWN: Q. I don't want to limit it. I'm
13 MR. BROWN: Q. Do you know if Dustin Baker	13 not limiting my question as to time.
14 was asked to use particular search terms or other	14 A. Well, investigation and discovery is ongoing,
15 criteria to search the keyword tool?	15 so the door is still open.
16 MR. HAMM: Same objection, same instruction.	16 Q. So you mean up to now, you don't know of any
17 MR. BROWN: Q. Do you know what terms or	17 other databases that have been searched?
18 criteria he was asked to use?	18 A. As of today, I don't know of any other
19 MR. HAMM: Same objection, same instruction.	19 databases that have been searched.
20 MR. BROWN: Q. Can you describe the quantity	20 Q. Thank you. What other databases, other than
21 of information that Dustin provided?	21 those you've mentioned, are you aware of that exist at
22 MR. HAMM: Objection, assumes facts.	22 Google?
23 THE WITNESS: No.	23 A. There's a lot of data at Google. Are you
24 MR. BROWN: Q. When was the information asked	24 asking -- I'm not really sure what you're asking.
25 for and when was it provided?	25 Q. I'm asking you to identify other databases

10 (Pages 34 to 37)

<p style="text-align: right;">38</p> <p>1 that you're aware of at Google, other than those that 2 you've mentioned. 3 MR. HAMM: Objection, vague. 4 You can answer the question, though. 5 THE WITNESS: That are -- I mean, I don't 6 understand why I would identify all of Google's data 7 that is likely not relevant to this action. 8 MR. HAMM: He's entitled to -- 9 MR. BROWN: Q. I'm asking you to -- 10 MR. HAMM: If you know the answer, you can 11 answer it. 12 THE WITNESS: I couldn't possibly itemize data 13 sets at Google. It's ... 14 MR. BROWN: Q. I'm asking you to identify 15 those that you are aware of. 16 A. I have to think about it. I guess I can't 17 name other databases, but I know there's other data out 18 there. 19 Q. Have you on other cases looked at other 20 databases? 21 A. I haven't looked at databases. 22 Q. Have you asked others to look at other data 23 sources for you? 24 A. Well, yes. 25 Q. What data sources?</p>	<p style="text-align: right;">40</p> <p>1 What are Jeff's job responsibilities, as best 2 you know? 3 A. Well, he has reports from other direct sales 4 representatives that he manages. 5 Q. What additional responsibilities does he have, 6 as far as you are aware? 7 A. I'm not aware of his day-to-day 8 responsibilities as a manager. 9 Q. Do you know if, is he the most senior person 10 in the travel vertical? 11 A. I can't think of who he reports to, but I'm 12 sure there's somebody above him. 13 Q. Do you know the names of those who report to 14 him? 15 A. I know at least one of the names. 16 Q. Who is that? 17 A. Cindy Anstis. A-N-S-T-I-S. 18 Q. Where is Jeff Zidell? 19 MR. HAMM: Objection, vague. Do you 20 mean ... 21 MR. BROWN: Q. Where does he work? 22 MR. HAMM: Okay, sorry. 23 THE WITNESS: Where -- he works at Google. 24 MR. BROWN: Q. Where? Physically where? 25 A. I actually don't know what office he's at.</p>
<p style="text-align: right;">39</p> <p>1 A. Financial data. 2 Q. Others? 3 A. Patent data, video data, image data. I mean, 4 I could probably go on. I have to think about every 5 case I've worked on to think about this. 6 Q. Well, take a minute. 7 A. Okay. I think those are generally the main 8 categories for cases that involve patent or copyright. 9 Q. Are you aware if Google has searched for any 10 financial data relevant to this case? 11 A. I believe that's in the process. Yes. 12 Q. Have you been involved in that process? 13 A. I've been on communications. 14 Q. And what -- who has been asked for 15 information? 16 A. I believe Jeff Zidell. 17 Q. Anyone else? 18 A. That's the only name that comes to mind. 19 Q. And who is Jeff Zidell? 20 A. Jeff Zidell is a travel vertical manager in 21 the direct sales group. 22 Q. And do you know what accounts he is 23 responsible to manage? 24 MR. HAMM: Objection, assumes facts. 25 MR. BROWN: Q. I'll ask it a different way.</p>	<p style="text-align: right;">41</p> <p>1 Q. Do you know which client accounts either he or 2 those who work with him are responsible for? 3 A. I know that Cindy's -- I couldn't name them, 4 but Cindy is an American Airlines senior representative. 5 Q. For Google, correct? 6 A. For Google. 7 Q. Yes. 8 A. Correct. 9 Q. What information was asked of Jeff Zidell? 10 MR. HAMM: Objection, calls for 11 attorney-client communications. 12 I'm going to instruct you not to answer. 13 MR. BROWN: Q. Do you know if information was 14 sought by anyone else in the travel vertical other than 15 from Jeff Zidell? 16 A. Yes. 17 Q. Who? 18 A. We're talking about any data or financial 19 data? 20 Q. Let's talk about financial data, and we'll 21 come back to any data after that. 22 A. Well, no. I think the request was asking Jeff 23 if there is any financial data. 24 MR. HAMM: Just be careful -- 25 THE WITNESS: Sorry.</p>

11 (Pages 38 to 41)

<p style="text-align: right;">42</p> <p>1 MR. HAMM: -- not to testify about any 2 communications -- 3 THE WITNESS: Sorry. 4 MR. HAMM: -- that you've had at the request 5 of counsel. 6 MR. BROWN: Q. Do you remember when that data 7 was requested? 8 A. Fairly recently, so within the last few weeks, 9 I believe. 10 Q. Do you know if Mr. Zidell or anyone on his 11 behalf has provided data in response to the requests? 12 A. I believe very recently some data. I have not 13 had a chance to review the data. 14 Q. Do you know what criteria he was asked to use 15 to search for data? 16 MR. HAMM: Objection, instruct not to answer. 17 MR. BROWN: Q. Can you describe generally the 18 quantity of data that he has provided? 19 A. No. 20 Q. Do you know the extent of Mr. Zidell's or 21 someone on his behalf's search for the data? 22 A. No. 23 Q. Do you know what accounts they looked for data 24 concerning? 25 A. No.</p>	<p style="text-align: right;">44</p> <p>1 MR. BROWN: Q. Did you -- has Google done 2 anything to gather information related to this case from 3 its online sales function? 4 A. I believe there are some folks that we've 5 contacted from the online sales team. 6 Q. And who are they? 7 A. I can't give -- off the top of my head, I 8 can't give names. 9 Q. When were they contacted? 10 A. During the course of the litigation. 11 Q. When, as best you know? 12 A. I don't recall. 13 Q. Do you know if any information has been 14 provided related to online sales? 15 A. I, I can't -- no, I can't say with certainty. 16 Q. Do you know what quantity of information has 17 been provided? 18 A. No. 19 Q. If anything? 20 A. No. 21 Q. And how, if at all, were you involved in that 22 process? 23 A. Through direction of counsel on determining 24 what people, which concerns may have relevant 25 information.</p>
<p style="text-align: right;">43</p> <p>1 Q. Do you know what date range they used? 2 A. No. 3 Q. Other than financial data, how would you 4 describe with more particularity what he was asked to 5 look for? 6 MR. HAMM: Objection, and instruction not to 7 answer. 8 MR. BROWN: Q. Do you know if any financial 9 data has been gathered by Google in relationship to this 10 case from anyone who worked within the chief financial 11 officer function or those who reported to the chief 12 financial officer? 13 A. No, I do not. 14 Q. When you say direct sales, what are you 15 referring to? 16 A. As opposed to online sales. So a direct 17 relationship with an advertiser. 18 Q. So some of the sales by Google are done by a 19 direct sales force. 20 A. Correct. 21 Q. And some of the sales by Google are done 22 online? 23 A. Correct. 24 MR. HAMM: And I'll just note for the record 25 that this is outside the scope of the deposition topic.</p>	<p style="text-align: right;">45</p> <p>1 Q. Doesn't sound like -- let me just -- am I 2 correct in saying that you were not charged with 3 gathering the information from the online sales people? 4 A. I'm saying I can't recall if we've gathered 5 any information from online sales, but we've contacted 6 online sales individuals. 7 Q. Did you contact them? 8 A. I believe I was involved in at least one, one 9 interview. 10 Q. And with whom was that? 11 A. Dan Green -- 12 Q. And who is Dan Green? 13 A. -- is his name. I think it's part of the 14 online sales group. 15 Q. When did you contact Dan Green? 16 A. I believe that was in the November time frame. 17 Q. What did you ask him for? 18 MR. HAMM: Objection, instruction not to 19 answer. 20 MR. BROWN: Q. Did you give him criteria that 21 he was to use? 22 MR. HAMM: Same objection, same instruction. 23 MR. BROWN: Q. Did he provide any information 24 to you? 25 A. I believe he provided additional people who --</p>

12 (Pages 42 to 45)

<p style="text-align: right;">46</p> <p>1 MR. HAMM: Just, I believe he asked a yes or 2 no question, and if -- were he to ask the question about 3 what kind of communications you had, I would object. 4 THE WITNESS: Can you repeat the question? 5 MR. BROWN: Q. Did he provide any information 6 to you? 7 A. Yes. 8 Q. What did he provide? 9 MR. HAMM: Objection. If you want to ask what 10 documents he provided, if you're asking about what his 11 communications were I'll object first that it's vague, 12 and second, that it calls for attorney-client privileged 13 information. 14 MR. BROWN: Q. What did he provide to you? 15 MR. HAMM: Objection, vague. Objection, 16 attorney-client privilege. Instruction not to answer. 17 MR. BROWN: Not able to answer the question, 18 you're instructing her not to answer the question at 19 all? 20 MR. HAMM: No, my instruction is that you can 21 provide testimony about any documents that were provided 22 to you by Dan Green, but that you are not to testify 23 about any communications, including information that he 24 would have provided in, in such communications. 25 THE WITNESS: I vaguely recall, I hope I'm not</p>	<p style="text-align: right;">48</p> <p>1 Q. I'd like to turn to the custodial databases 2 and ask you what you have done to gather information 3 from the custodial databases. 4 A. You're starting me off with the databases, 5 that's not ... 6 Q. How do you refer to it? 7 A. It's not really a database. I don't think of 8 it as a database, but I guess maybe an engineer would 9 disagree with that. These are the custodial sources. 10 Q. Custodial sources, okay. 11 What did you do to gather information from the 12 custodial sources? 13 A. We -- I, I submitted a ticket to collect 14 e-mail. 15 Q. What's a ticket? 16 A. A ticket is our system where we can request 17 different departments to handle things for us that I 18 don't have access to. 19 Q. And what information did you put on the 20 ticket? Describe it in general first, and then I'll ask 21 you in particular after that. 22 MR. HAMM: Okay. I'm going to -- as long as 23 the question is focused on the information that was in 24 the ticket, which is a communication to other folks at 25 Google, I'm going to object to the question as calling</p>
<p style="text-align: right;">47</p> <p>1 messing up the name here, that Dan may have provided a 2 list of additional folks in his group. 3 MR. BROWN: Q. Did you follow up with those 4 additional people? 5 A. I believe that process is ongoing. 6 Q. Did you do it? Did you follow up? 7 A. I believe those people were contacted with 8 counsel. 9 Q. Were you personally involved in that? 10 A. I was on the communication. 11 Q. Other than receiving e-mails? 12 A. I was on the communication. 13 Q. Were you in charge of that process? 14 A. In charge ... 15 Q. Meaning did you initiate the communication. 16 gather that information? 17 A. No. 18 Q. Who did? 19 A. Catherine Lacavera. 20 Q. Can you spell her name for the record, please. 21 A. L-A-C-A-V-E-R-A. Catherine with a C. 22 Q. And do you know if she has received any 23 information, she or anyone else has received information 24 back concerning that request? 25 A. I don't recall.</p>	<p style="text-align: right;">49</p> <p>1 for attorney-client privileged information and instruct 2 the witness not to answer. 3 MR. BROWN: At the moment, I'm asking for 4 generalized information -- headings, fields, those kinds 5 of things. I will ask questions about the particulars. 6 I expect when I ask questions about the particulars, I 7 will get an attorney-client privilege objection and 8 instruction, but at the moment I'm asking about fields. 9 Q. What fields do you have to fill out to give 10 the instructions about what kinds of information to 11 gather? For example, do you provide the names of the 12 custodians whose records are to be gathered? 13 A. Yes. 14 Q. What else do you ask for, in general? 15 MR. HAMM: And you're not asking about the 16 particular ticket? 17 MR. BROWN: I am asking about the particular 18 ticket. 19 MR. HAMM: Okay -- 20 MR. BROWN: General -- 21 MR. HAMM: I'm going to object that this calls 22 for the contents of an attorney-client communication and 23 it's privileged, and I'm going to instruct the witness 24 not to answer. Whether you're asking generally what was 25 included in the communication, or specifically what was</p>

<p style="text-align: right;">50</p> <p>1 included in the communication? You're entitled to know 2 what the subject matter of the communication was, but 3 beyond that those other details are privileged. 4 MR. BROWN: Q. I believe that's all I'm 5 asking for; I'm asking for the fields. For example, is 6 there a date field, is there a general field, is there a 7 names field that you would fill out saying, Gather 8 information from these sources? Is there a subject 9 field describing generally the subject? That's all I'm 10 asking for, the fields. What are the categories of 11 information that are on this ticket that you have 12 provided? 13 MR. HAMM: Okay, and I'm going to continue 14 with my objection and instruct you not to answer. 15 MR. BROWN: Q. Is there a date field on this 16 ticket? 17 MR. HAMM: Objection. 18 MR. BROWN: Q. Is there a subject field on 19 this ticket? 20 MR. HAMM: Objection. 21 MR. BROWN: Q. Do you identify the litigation 22 that it's concerned about on this ticket? 23 MR. HAMM: You can answer that question. 24 THE WITNESS: Not in a field, but yes. 25 MR. BROWN: Q. Is there a to and from on this</p>	<p style="text-align: right;">52</p> <p>1 MR. HAMM: Just so we're clear, and perhaps to 2 even have a little conference off the record with you. 3 MR. BROWN: That's fine, if that's what you'd 4 like to do. 5 (Recess taken.) 6 MR. BROWN: We've had a brief discussion off 7 the record, and I am going to re-ask some of the 8 questions that I've asked related to what the form looks 9 like, the ticket. 10 Q. I'm not asking at the moment about what 11 information, the precise information that you put into a 12 particular field, but I am going to ask what the fields 13 or categories of information are. So what information 14 is called for in the ticket? 15 A. Subject line, due date, status, cc. The from 16 is already populated. 17 Q. And you told us earlier that the to is a drop 18 down menu? 19 A. It's actually populated for the discovery 20 ticket. It's sys operations. 21 Q. Is this called a discovery ticket? 22 A. Yes. 23 Q. And in this case, how many discovery tickets 24 were filled out, as far as, for Google, for this case? 25 A. Three.</p>
<p style="text-align: right;">51</p> <p>1 ticket? 2 MR. HAMM: Objection, vague. 3 MR. BROWN: Q. Do you send it to somebody? 4 Do you have to fill out the person's name that you send 5 it to? 6 A. No. There's a cue. 7 Q. What's a cue? 8 A. A drop down menu and a, it automatically goes 9 to sys operations. 10 Q. Are there any other drop down menus that you 11 use on this ticket? 12 MR. HAMM: Objection, instruction not to 13 answer. 14 MR. BROWN: Q. Are there any criteria that 15 you must provide on this ticket in order for the systems 16 operations group, in this case, to search for 17 information? 18 MR. HAMM: Same objection, same instruction. 19 MR. BROWN: I haven't asked about the 20 particulars. I'm just asking if there are any criteria 21 that are provided. 22 MR. HAMM: Just, I think it would be helpful 23 to go off, if you don't mind, Fred, to go off the 24 record. 25 MR. BROWN: Sure, please. Anytime.</p>	<p style="text-align: right;">53</p> <p>1 Q. Three. Who issued the first one? 2 A. I did. 3 Q. When was that? 4 A. January 11th. 5 Q. Second one? 6 A. February 25th. 7 Q. Third one? 8 A. March 5th. Might be a day or two off on one 9 of those. 10 Q. And what type of information was asked for in 11 the first ticket? 12 MR. HAMM: I'm going to object and instruct 13 you not to answer. 14 MR. BROWN: And if I ask about the types of 15 information requested in the second and third tickets, 16 you'd give the same instruction? 17 MR. HAMM: Yes. 18 MR. BROWN: Q. You issued the first ticket. 19 Who issued the second ticket? 20 A. I did. 21 Q. Third ticket? 22 A. I did. 23 Q. And to whom did you send the first one? 24 A. Sys operations. 25 Q. Second one?</p>

14 (Pages 50 to 53)

<p style="text-align: right;">54</p> <p>1 A. Sys operations. 2 Q. Third one? 3 A. Sys operations. 4 Q. Did you provide any criteria for the 5 information that was to be looked for? 6 MR. HAMM: And I'm going to object and 7 instruct you not to answer. 8 MR. BROWN: Q. Did you provide any names that 9 were to, names of persons whose e-mail was to be 10 retrieved? 11 MR. HAMM: Same objection, same instruction. 12 MR. BROWN: Q. How many persons' e-mail was 13 to be retrieved? 14 MR. HAMM: Objection, vague. 15 MR. BROWN: Q. How many people, how many 16 e-mail accounts did you ask to be retrieved? 17 MR. HAMM: Same objection, same instruction. 18 MR. BROWN: Q. Did you receive any data back 19 in response to the first ticket dated January the 11th? 20 A. Yes. 21 Q. Can you give me any description of the 22 quantity of data that came back? 23 A. I understand, but haven't verified, if that's 24 okay. 25 Q. Please.</p>	<p style="text-align: right;">56</p> <p>1 A. About third week in January. January 21st. 2 Q. And Chris, Mr. Millikin, rather, said that a 3 week or so ago -- and he was speaking to us last Friday, 4 so he was talking about now what would be almost two 5 weeks ago -- that he learned that there was some 6 conversion problem of some kind in FIOS being able to 7 read the data. Are you aware of that problem? 8 A. Yes. 9 Q. What was the problem, as far as you understand 10 it? 11 A. As far as I understand it, there were file 12 incompatibility issues. 13 Q. Is it your testimony that, as far as you know, 14 Faegre provided the information to FIOS? 15 A. Correct. 16 Q. And then FIOS responded somehow by saying that 17 there was a data compatibility issue? 18 MR. HAMM: Objection, calls for communications 19 between counsel, people working on behalf of counsel, 20 and their agents, their vendors. Instruction not to 21 answer. 22 MR. BROWN: Q. You understand that there's 23 some compatibility issue with the data? 24 A. There was. 25 Q. And prior to the clearing up of that</p>
<p style="text-align: right;">55</p> <p>1 A. Two hundred gigabytes. 2 Q. And who told you that? 3 A. Chris Millikin. 4 Q. When did he tell you that? 5 MR. HAMM: I'm a little slow on the draw here, 6 but objection to questions about -- first of all, 7 objection to the question, "Who told you that" because 8 that assumes facts not in evidence. And objection to 9 contents of communications between Leslie and people at 10 Google that she made at the instruction of counsel. 11 MR. BROWN: Q. When did Chris tell you that? 12 MR. HAMM: Objection. No, I withdraw the 13 objection. 14 THE WITNESS: At our meeting about a week ago. 15 MR. BROWN: Q. Now, Chris testified in his 16 deposition -- and Mr. Hamm can correct me if he believes 17 I'm misstating this -- that approximately 200 gigabytes 18 of information was provided to an outside service 19 provider, I think he said it was called FIOS. Does that 20 sound right to you? 21 A. Actually, it was sent to Faegre, who is our 22 national discovery counsel. 23 Q. And when was the information sent to Faegre? 24 A. With regard to ... 25 Q. That 200 gigabytes of information.</p>	<p style="text-align: right;">57</p> <p>1 compatibility issue, was FIOS able to search the data 2 that was provided? 3 A. I believe with the exception of those 4 incompatible files. 5 Q. How many of the files were found to be 6 incompatible? 7 A. Approximately, I mean, 10 items that were. 8 Q. Ten out of how many items? 9 A. Couldn't tell you total. 10 Q. Was that -- were the 10 items a significant 11 portion of the data? 12 MR. HAMM: Objection, vague. 13 You can answer the question, though. 14 THE WITNESS: I'm not an engineer, so I can't 15 quantify it, so I couldn't tell you if it's a 16 significant amount. It didn't seem to be a significant 17 amount. 18 MR. BROWN: Q. Do you know if FIOS has 19 actually searched the data in any way prior to the 20 compatibility issues being cleared up? 21 MR. HAMM: And objection, vague as to data. 22 Which data? 23 MR. BROWN: The 200 gigabytes of data that 24 she's referring to. The only data that I've been 25 informed has been given to FIOS.</p>

15 (Pages 54 to 57)

<p style="text-align: right;">62</p> <p>1 Q. And how about the second ticket?</p> <p>2 MR. HAMM: I think you meant the third ticket.</p> <p>3 MR. BROWN: Q. I apologize, I misspoke. I'm</p> <p>4 not counting very well today. I didn't get above two.</p> <p>5 How much data was provided, if any, in</p> <p>6 response to the third ticket?</p> <p>7 A. I do not know.</p> <p>8 Q. And by "provided," I mean in response to the</p> <p>9 ticket within Google.</p> <p>10 A. I understood the question.</p> <p>11 Q. One of the things, I wanted to make sure we</p> <p>12 were talking the same language. I asked you sometimes</p> <p>13 about databases. Sometimes you used the word "data</p> <p>14 sources"; sometimes you used the word "databases."</p> <p>15 Would any of your answers change if I had consistently</p> <p>16 used the word "data sources" for the questions I asked</p> <p>17 of you earlier? As far as you know.</p> <p>18 A. A database --</p> <p>19 MR. HAMM: It's a yes or no question.</p> <p>20 THE WITNESS: Oh.</p> <p>21 MR. BROWN: Q. Yeah.</p> <p>22 A. Would, would my answer change?</p> <p>23 Q. Would any of your answers change --</p> <p>24 A. No.</p> <p>25 Q. -- that I asked you before?</p>	<p style="text-align: right;">64</p> <p>1 other than those identified in Exhibit 2 that were</p> <p>2 gathered by Google and produced in this case to American</p> <p>3 Airlines?</p> <p>4 MR. HAMM: Compound, objection.</p> <p>5 MR. BROWN: Q. Please answer the question.</p> <p>6 A. Yes.</p> <p>7 Q. Whose files?</p> <p>8 MR. HAMM: Same objection.</p> <p>9 You can answer the question.</p> <p>10 THE WITNESS: Additional custodians?</p> <p>11 MR. BROWN: Q. Yes.</p> <p>12 A. There -- let's see. There were about 10</p> <p>13 additional custodians.</p> <p>14 Q. Please identify them.</p> <p>15 MR. HAMM: If you know the answer.</p> <p>16 THE WITNESS: I can maybe think of a name or</p> <p>17 two. I don't know all the names on the list.</p> <p>18 MR. BROWN: Q. Give me all that you are</p> <p>19 prepared here to give to me.</p> <p>20 A. Okay. Daniel Dulitz.</p> <p>21 Q. Please spell his name?</p> <p>22 A. D-U-L-I-T-I-Z.</p> <p>23 MR. HAMM: And I'm going to just correct the</p> <p>24 spelling because I think it's wrong. D-U-L-I-T-Z.</p> <p>25 THE WITNESS: Oh, I had an extra I in there.</p>
<p style="text-align: right;">63</p> <p>1 A. No.</p> <p>2 Q. They would remain the same.</p> <p>3 A. Yes.</p> <p>4 MR. HAMM: And I'm just going to object to</p> <p>5 that question as very broad.</p> <p>6 MR. BROWN: Q. I'm going to give you a list</p> <p>7 of names that your counsel has provided to me. It was</p> <p>8 used as Exhibit 2 with Mr. Millikin.</p> <p>9 A. Okay.</p> <p>10 Q. Have you seen this list before?</p> <p>11 A. This exact exhibit?</p> <p>12 Q. Yes.</p> <p>13 A. I don't think so.</p> <p>14 Q. Is this the list of names that you gave to</p> <p>15 systems operations to search for their custodial files?</p> <p>16 MR. HAMM: Objection, calls for</p> <p>17 attorney-client privileged communication.</p> <p>18 I'm going to instruct you not to answer.</p> <p>19 MR. BROWN: Q. Were there any names of</p> <p>20 custodial files that you asked be gathered and provided</p> <p>21 that are not on this list?</p> <p>22 MR. HAMM: Same objection, same instruction.</p> <p>23 You can ask her if there are any other files that have</p> <p>24 been collected.</p> <p>25 MR. BROWN: Q. Were there any custodial files</p>	<p style="text-align: right;">65</p> <p>1 Sorry.</p> <p>2 Laura Granka, G-R-A-N-K-A; Karen Taylor;</p> <p>3 Kerry, I think it's Kerry Rodden, R-O-D-D-E-N. How many</p> <p>4 is that, that I've remembered?</p> <p>5 MR. BROWN: Q. Four.</p> <p>6 MR. HAMM: That's pretty good.</p> <p>7 THE WITNESS: But they're right there. I can</p> <p>8 kind of see some of these names. I don't want to guess,</p> <p>9 though.</p> <p>10 MR. BROWN: Q. Were the four names that you</p> <p>11 just gave me asked for at a different time than those</p> <p>12 who are on Exhibit 2?</p> <p>13 A. Yes.</p> <p>14 Q. When were the files requested for those in</p> <p>15 Exhibit 2?</p> <p>16 MR. HAMM: And just, I'm going to object that</p> <p>17 it calls for attorney-client communication.</p> <p>18 Instruct you not to answer.</p> <p>19 MR. BROWN: Q. When were the files requested</p> <p>20 for the four names you just mentioned to me?</p> <p>21 MR. HAMM: Same objection, same instruction.</p> <p>22 MR. BROWN: Q. Have you had -- has the</p> <p>23 information you requested about the four names you just</p> <p>24 mentioned to me been provided to you?</p> <p>25 MR. HAMM: Can you just hang on for a second?</p>

17 (Pages 62 to 65)

66	68
1 MR. BROWN: I can --	1 Q. Do you know what kinds of projects?
2 MR. HAMM: I think I understand the question.	2 A. I believe he works with the ads UI.
3 You can answer that.	3 Q. What's the ads UI?
4 MR. BROWN: Q. Let me rephrase.	4 A. The user interface.
5 You mentioned four names in asking for	5 Q. And just so we're both talking the same
6 information. Has the information you requested about	6 language, what's the user interface?
7 those four persons been provided to you?	7 A. So it's how the page looks to the end user.
8 A. Yes.	8 Q. And Laura Granka, what does she do?
9 Q. When?	9 A. I believe she's also -- I don't know if she's
10 A. Let me clarify. There were four custodians.	10 a product manager. She might be associate manager. I
11 I don't know if those exact custodians were the ones	11 can't recall her exact title.
12 that were collected, so February 26th.	12 Q. But does she also work in ads UI?
13 Q. And if you were to look at the tickets --	13 A. I believe so.
14 A. Oh, I'm sorry. I take that back. Not -- can	14 Q. And how about Karen Taylor, what's her title?
15 I correct myself?	15 A. I believe she's a project manager as well.
16 Q. Please.	16 Q. Same group, ads UI?
17 A. The data was provided to me for the additional	17 A. Yes.
18 custodians March 11th.	18 Q. And how about Kerry Rodden? What is her title
19 Q. If you were to look at the tickets that we	19 and where does she work?
20 have been talking about, would you be able to tell me	20 A. I don't know her exact title. I can't recall.
21 the names of the files that were requested, the names of	21 I believe she also worked with the ads UI team at some
22 the persons whose files were requested?	22 point.
23 MR. HAMM: I'm going to object because again,	23 Q. Do you know if Google has gathered any
24 you're asking about the contents of an attorney-client	24 custodial files related to David Dietze, D-I-E-T-Z-E?
25 communication, and I'm going to instruct the witness not	25 A. Custodial files from David Dietze?
67	69
1 to answer.	1 Q. Yes.
2 MR. BROWN: Q. Which ticket were those four	2 A. Not off the top of my head.
3 names on? The second ticket, third ticket, first	3 Q. How about Eric Filler?
4 ticket?	4 A. Not off the top of my head.
5 MR. HAMM: Same objection, same instruction.	5 Q. Prashant Feloria, F-U-L-O-R-I-A?
6 MR. BROWN: Q. What quantity of information	6 A. Not off the top of my head.
7 was provided to you related to those four names, if you	7 Q. Lauren Gellman?
8 have an idea?	8 A. Not off the top of my head.
9 A. I don't.	9 Q. David Green?
10 Q. Of the names on Exhibit 2 and those four names	10 A. David Green?
11 that you've mentioned, do you know how much time was	11 Q. Yes.
12 spent by the systems operations people in gathering that	12 A. Not off the top of my head, no.
13 information? Personal hours or computer hours,	13 Q. Sarah Hobbs?
14 whatever, whatever you might know about it.	14 A. Don't recognize the name.
15 A. I can't quantify it that way.	15 Q. Annie Hsu, H-S-U?
16 Q. You already told us about 200 gigabytes. Is	16 A. Not that I recall.
17 that the only way that you are able to describe it?	17 Q. Shawn Salmon?
18 A. I know that because that was told to me. I	18 A. Not that I recall.
19 didn't confirm that that was the size of the data.	19 Q. This one is going to be very hard for me to
20 Q. Is there any other way in terms of quantity or	20 pronounce, but I'll do my best. Leshika Samarasinghe?
21 time or effort that you know of that you can describe	21 A. The name does not ring a bell.
22 the effort to gather that information?	22 Q. Let me spell it for the court reporter.
23 A. No. I'm not an engineer.	23 S-M-A -- I'm sorry. Let me start that name again.
24 Q. Do you know Dan Dulitz's title?	24 S-A-M-A-R-A-S-I-N-G-H-E.
25 A. I believe he's a product, project manager.	25 Tu Tsao, spelled last name T-S-A-O. Does that

18 (Pages 66 to 69)

<p>70</p> <p>1 name ring any bells in terms of documents searched for?</p> <p>2 A. I know the name. I don't recall if we've</p> <p>3 collected documents from Tu.</p> <p>4 Q. Do you know David's position, David Dietze's</p> <p>5 position?</p> <p>6 A. It's not ringing a bell.</p> <p>7 Q. Is that name familiar to you at all?</p> <p>8 A. Ditz, Dietze?</p> <p>9 Q. D-I-E-T-Z-E.</p> <p>10 A. No, it's not.</p> <p>11 Q. How about Eric Filler, is that name familiar</p> <p>12 to you?</p> <p>13 A. It's familiar. I don't...</p> <p>14 Q. You don't know what his title is?</p> <p>15 How about Prashant Fuloria?</p> <p>16 A. It's familiar. I couldn't tell you that</p> <p>17 person's title.</p> <p>18 Q. Lauren Geliman, G-E-L -- Geliman, I'm sorry,</p> <p>19 G-E-L-I-M-A-N?</p> <p>20 A. I don't think that's the right spelling. I</p> <p>21 think it's Laura Gellman. I know the name. I don't</p> <p>22 know her title off the top of my head.</p> <p>23 Q. And were her files searched, do you know?</p> <p>24 A. I don't recall.</p> <p>25 Q. David Green, does that name ring any bells</p>	<p>72</p> <p>1 Q. Shawn Salmon? Don't know the title.</p> <p>2 A. I'm actually not familiar with the name.</p> <p>3 Q. And then Leshika, whose name I was having a</p> <p>4 hard time with?</p> <p>5 A. I don't think I've ever heard that name.</p> <p>6 Q. And then Tu, you do know Tu?</p> <p>7 A. I do know Tu.</p> <p>8 Q. Who is Tu?</p> <p>9 A. Tu is a trademark attorney and a product</p> <p>10 counsel.</p> <p>11 Q. Were his --</p> <p>12 A. She.</p> <p>13 Q. Excuse me. Thank you for the correction.</p> <p>14 Were her files collected, her custodial files?</p> <p>15 A. Her custodial files -- I don't recall.</p> <p>16 Q. I'm going to give you an organizational chart</p> <p>17 that was marked, each one, and... You can have your</p> <p>18 own if you like. This is an organizational chart that</p> <p>19 was provided by Google in this case. Have you seen</p> <p>20 other organizational charts similar to this in terms of</p> <p>21 having a block diagram on it within Google?</p> <p>22 A. Similar. I don't know that I've ever seen</p> <p>23 this organizational chart.</p> <p>24 Q. Right. And on what occasions have you seen</p> <p>25 other organizational charts that were similar to this?</p>
<p>71</p> <p>1 with you?</p> <p>2 A. I think that name might not be right.</p> <p>3 Q. Okay. What do you think it might be?</p> <p>4 A. Are you talking about -- I think it's Dan</p> <p>5 Green.</p> <p>6 Q. It may be.</p> <p>7 A. Maybe I'm wrong.</p> <p>8 Q. I don't know. Who's Dan Green?</p> <p>9 A. Dan Green is -- well, maybe it is David and</p> <p>10 I'm wrong, but he's one of the OSO folks.</p> <p>11 Q. What's OSO?</p> <p>12 A. Online sales operations. He's in the sales</p> <p>13 team.</p> <p>14 Q. Was Dan Green's files retrieved? Were Dan</p> <p>15 Green's files retrieved?</p> <p>16 A. I believe so.</p> <p>17 Q. Do we add that to the four names you've</p> <p>18 mentioned?</p> <p>19 A. You know, I can't recall if his name is...</p> <p>20 Q. Sarah Hobbs, who is Sarah Hobbs?</p> <p>21 A. I don't know who Sarah Hobbs is.</p> <p>22 Q. Annie Hsu, H-S-U?</p> <p>23 A. Hsu?</p> <p>24 Q. Hsu?</p> <p>25 A. I can't recall her title.</p>	<p>73</p> <p>1 MR. HAMM: Objection. That assumes facts.</p> <p>2 You can answer the question.</p> <p>3 MR. BROWN: Q. Please answer the question.</p> <p>4 On what other occasions have you seen organizational</p> <p>5 charts similar to this?</p> <p>6 A. The legal department has organizational</p> <p>7 charts. I believe I've seen some sales team</p> <p>8 organizational charts. Not many. The company's not a</p> <p>9 fan of organizational charts.</p> <p>10 Q. But it does have some?</p> <p>11 A. I haven't seen these before.</p> <p>12 Q. No, no. It does have some organizational</p> <p>13 charts --</p> <p>14 A. Yes.</p> <p>15 Q. -- however?</p> <p>16 A. Yes.</p> <p>17 Q. Have you done any search for organizational</p> <p>18 charts for the purposes of finding such organizational</p> <p>19 charts for this case?</p> <p>20 A. I believe so.</p> <p>21 Q. And what organizational charts did you find?</p> <p>22 MR. HAMM: Objection, form of the question.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: I believe we've contacted the</p> <p>25 sales team to get organizational charts.</p>

<p>74</p> <p>1 MR. BROWN: Q. Have any organizational charts 2 from the sales team been provided to you? 3 A. I don't recall. 4 Q. When was that request made? 5 A. I don't recall. 6 Q. Other than asking the sales team for 7 organizational charts, have you asked for any other 8 organizational charts? 9 A. I don't recall. 10 Q. Have you seen other organizational charts in 11 your gathering of information for other cases? 12 MR. HAMM: Can you hang on for just a second? 13 THE WITNESS: Am I supposed to be answering? 14 MR. HAMM: You can answer. 15 THE WITNESS: You told me to hang on. 16 MR. HAMM: I was thinking about whether or not 17 to object, and I'm not going to object to that question. 18 THE WITNESS: Can you repeat the question, 19 please. 20 MR. BROWN: Q. Yes. Have you seen 21 organizational charts when you gathered information for 22 other cases? 23 A. I believe very seldom. 24 Q. But you have. 25 A. Vaguely recall seeing some organizational</p>	<p>76</p> <p>1 A. I don't think that would be simple. 2 Q. But it could be done. 3 A. I haven't tried to find everyone who works in 4 direct sales. 5 Q. How about if we wanted to find out those to 6 whom Jeff Zidell reported, could you look in the 7 directory and figure out to whom he reported? 8 A. Yes. 9 Q. And up the chain from there? 10 A. Yes. 11 Q. And down the chain from Jeff and below Jeff. 12 You could figure out who reports to Jeff and who reports 13 to others and so forth, all the way down to -- 14 A. I don't know how far down it would go, 15 but ... 16 Q. But it would go below Jeff, for example. 17 A. Yes. 18 Q. As far as you know. 19 Have you done any of that kind of searching in 20 this case to give us the organizational structure for 21 those, for the information that we have asked for? 22 A. No. 23 Q. Taking a look at Exhibit 5, just on the first 24 page, I'm going to ask if you have searched -- and 25 rather than doing it on a person by person, which would</p>
<p>75</p> <p>1 charts. 2 Q. When you want to find out who somebody works 3 for in Google, how do you do that? 4 A. Using our directory on our intranet. 5 Q. What is the directory? 6 A. What is it? 7 Q. Yes. 8 A. It's an intranet home page. 9 Q. So if, for example, if you put in your name, 10 would somebody -- 11 A. It would show my manager. 12 Q. It would show your manager? 13 A. Uh-huh. 14 Q. Would it also show persons who report to you? 15 A. Correct. 16 Q. And how far up in management does it go and 17 how far down in people that might report to you does it 18 go? 19 A. It would only show my manager and my reports. 20 From there you would have to look further. If you 21 wanted to see who my manager reports to, you'd have to 22 look up my manager. 23 Q. So if one were trying to find all the people 24 that worked, for example, in sales, direct sales, you 25 could do that through the directory.</p>	<p>77</p> <p>1 take a while, I'll just ask you page by page, if you 2 don't mind. 3 A. Okay. 4 Q. Have you searched in your gathering of 5 information for this case for the custodial files of any 6 persons on the first page of Exhibit 5? 7 A. I'm sorry. Repeat the question, please? 8 Q. Yeah. Actually, you know what? I can -- 9 yeah. Let's do it page by page. 10 In your gathering of information for this 11 case, have you searched for the custodial files of any 12 persons on the first page of Exhibit 5? 13 A. No. 14 Q. How about on the second page of Exhibit 5? 15 And the second page is titled "Sales and Operations 16 Organizational Structure." 17 A. Have I searched for custodial records. 18 Q. You or anyone at Google. I mean, you're here 19 testifying on behalf of Google. 20 A. You've been asking me what I've done. 21 Q. I asked you, but Google. 22 A. Just trying to clarify. Of any of these 23 people? 24 Q. Yeah. 25 A. For this case, no.</p>

20 (Pages 74 to 77)

90	92
<p>1 MR. BROWN: Sure. Absolutely. 2 (Recess taken.) 3 MR. BROWN: Q. Sticking with Exhibit 7, on 4 the third page of the document, which has got a control 5 number -- again the larger print on the control 6 number -- of 127273, there are four hotels, hotel chains 7 that are mentioned towards the top half of the page: 8 Intercontinental Hotel Group; Wyndham, W-Y-N-D-H-A-M; 9 Marriott; Starwood. See those? 10 A. Yes. 11 Q. Did you look for any documents in this case 12 involving any of those hotel groups? 13 A. I don't know. 14 Q. You're not aware that Google did any such 15 searching? 16 A. I'm not aware of any such searching. 17 Q. Okay. When I'm using the word "you," I'm 18 using it as a reference, unless I specifically indicate 19 otherwise, I'm using "you" meaning Google because you're 20 here representing Google. 21 A. Okay. 22 Q. So I'm taking the deposition of Google. 23 A. Okay. 24 MR. HAMM: And that wasn't made clear -- 25 THE WITNESS: Earlier.</p>	<p>1 questions in your capacity as a corporate 2 representative, not as what you know personally. If 3 I've said "personally," I meant personally. If I said 4 "you" or "Google," I meant Google. 5 MR. HAMM: And I'm just going to say that you 6 have, Mr. Brown, at some points, you've used "Google" to 7 ask about things that have happened; at some points 8 you've used "you." We asked towards the beginning of 9 the deposition what you meant when, and you specified 10 that you meant her personally. We don't want you to -- 11 I mean, we're not asking you to go back and redo the 12 deposition. You do what you need to do, but ... 13 MR. BROWN: I will -- 14 MR. HAMM: -- your questions were answered in 15 the way that they were asked. 16 MR. BROWN: Q. Okay. Let's go back. When I 17 asked you about data sources that were reviewed -- and 18 now I'll use "Google," if that is clearer for you -- did 19 Google review any data sources other than those that you 20 had mentioned in this deposition today? 21 A. I believe I've identified all the data 22 sources. 23 Q. Have you identified all those persons' files 24 that Google, custodial files that Google has identified 25 and retrieved for production in this case?</p>
91	93
<p>1 MR. HAMM: -- at the beginning of the 2 deposition, so ... 3 THE WITNESS: At all. 4 MR. BROWN: Q. Are there any answers that 5 you've so far given -- I can go back over them, if need 6 be, but are there any answers so far given that you 7 would change if I were to have used specifically the 8 word "Google" rather than "you"? 9 MR. HAMM: I'm going to object. That's a very 10 broad question about a lot of questions and answers. 11 THE WITNESS: Yeah. 12 MR. HAMM: We at one point objected. I raised 13 the point that it wasn't clear if you were talking about 14 what Leslie did or what Google did, and you clarified 15 that it was Leslie when you used the pronoun. 16 MR. BROWN: Q. That suggested to me that you 17 understood before, because this is a deposition not of 18 you personally; this is a deposition of Google. So I 19 can go back over those areas if that's what you want me 20 to do. But I have to have the information that Google 21 has. I don't want the information that solely you have. 22 Google has a responsibility to provide a witness who is 23 able to talk about, in a reasonably knowledgeable 24 fashion the topic that I've designated. You have been 25 chosen as that witness. So I've been asking you</p>	<p>1 A. We haven't given specific names, but we've 2 talked about custodial files that Google has collected. 3 Q. And the only ones that Google is prepared to 4 identify today are those that you have identified; is 5 that correct? 6 A. If you're asking me to recall specific names 7 and -- unless Klaus has objected I've tried to recall 8 names. 9 Q. And there are no names that Google is prepared 10 to share with us today related to custodial files that 11 Google has searched, other than those that you have 12 testified about today; am I correct? 13 A. I believe that's correct. 14 Q. In terms of the effort that various persons 15 have put forward to gather documents, you have testified 16 about what you know. Is Google prepared to offer any 17 different testimony than that which you have offered in 18 terms of the effort that was expended to gather 19 documents? 20 MR. HAMM: And these questions are very broad 21 again. Objection. 22 THE WITNESS: That's a little broad for me to 23 answer. 24 MR. BROWN: Q. Okay. How much effort did 25 Google put forward in gathering TM team documents? How</p>

24 (Pages 90 to 93)

<p style="text-align: right;">94</p> <p>1 much effort was expended by Google?</p> <p>2 A. I don't know how I'm supposed to -- how much</p> <p>3 effort?</p> <p>4 Q. Hours, people --</p> <p>5 A. I can't quantify that.</p> <p>6 Q. -- documents?</p> <p>7 How about in reviewing the ads database; how</p> <p>8 much effort did Google put forward in reviewing those</p> <p>9 documents?</p> <p>10 A. I can't quantify that.</p> <p>11 Q. How about the Beaker documents?</p> <p>12 A. Again, you're asking me how much time. I</p> <p>13 can't quantify that.</p> <p>14 Q. How about Trax?</p> <p>15 A. I cannot quantify that.</p> <p>16 Q. How many dollars were expended by Google in</p> <p>17 reviewing any of those data sources?</p> <p>18 A. I cannot quantify that.</p> <p>19 Q. How much effort was expended in gathering</p> <p>20 documents from the e-mail custodial databases?</p> <p>21 A. I can't quantify that.</p> <p>22 Q. How much in terms of people-hours or dollars</p> <p>23 were expended by Google --</p> <p>24 A. I personally don't have knowledge to quantify</p> <p>25 these questions.</p>	<p style="text-align: right;">96</p> <p>1 Q. How much has Google expended in these -- for</p> <p>2 third party reviewers that you have mentioned? I think</p> <p>3 you mentioned some contract lawyers working for Paegre.</p> <p>4 How much time, effort, or money has Google expended in</p> <p>5 that effort?</p> <p>6 A. That data is available. I don't have that</p> <p>7 data.</p> <p>8 Q. How many discovery tickets have been issued in</p> <p>9 this case by Google?</p> <p>10 A. Three.</p> <p>11 Q. Three that you mentioned before.</p> <p>12 A. Yes.</p> <p>13 Q. That you personally issued.</p> <p>14 A. Correct.</p> <p>15 Q. The hotel groups I mentioned to you, did</p> <p>16 Google do any searching for any documents for this case</p> <p>17 related to those hotel groups?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. All right. You and I have talked about a</p> <p>20 number of individuals' names. I went through a long</p> <p>21 list with you of names and asked you if you had done any</p> <p>22 searching for any custodial files related to those</p> <p>23 particular individuals' names. Would your answers be</p> <p>24 different if I asked, Has Google done any searching for</p> <p>25 documents related to custodial files for those people?</p>
<p style="text-align: right;">95</p> <p>1 THE REPORTER: I didn't hear the end of your</p> <p>2 question, Mr. Brown.</p> <p>3 MR. BROWN: Q. How much in terms of</p> <p>4 people-hours or dollars were expended by Google in</p> <p>5 gathering information from the custodial databases?</p> <p>6 A. I don't have that information in my head today</p> <p>7 to tell you that.</p> <p>8 Q. What does -- what information does Google have</p> <p>9 related to that?</p> <p>10 A. The question again, please?</p> <p>11 Q. Yes. How much effort was expended by Google</p> <p>12 in gathering information from the custodial data</p> <p>13 sources?</p> <p>14 A. I can't quantify that.</p> <p>15 Q. Keyword tool was another data source that you</p> <p>16 mentioned. How much effort has Google expended using</p> <p>17 the effort and using the keyword tool?</p> <p>18 A. I can't quantify that.</p> <p>19 Q. How much effort has Google expended in</p> <p>20 gathering what you suggested was financial data?</p> <p>21 A. I can't quantify that.</p> <p>22 Q. How much effort has Google expended in</p> <p>23 attempting to gather information related to</p> <p>24 organizational charts?</p> <p>25 A. I can't quantify that.</p>	<p style="text-align: right;">97</p> <p>1 A. To those names that you listed?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. Give you another e-mail string. Mark as</p> <p>5 Exhibit 8.</p> <p>6 (Deposition Exhibit 8 was marked for</p> <p>7 identification.)</p> <p>8 MR. BROWN: Q. This one begins with document</p> <p>9 production number, our control number, the large type,</p> <p>10 127082. And this one, I believe, is a single e-mail</p> <p>11 string as it was produced to us. It ends with 091.</p> <p>12 I'm going to ask you some questions about the</p> <p>13 first page. In the middle of the page under the</p> <p>14 number 3, it says, "All coordination information will be</p> <p>15 posted and updated at." and there's a long string, and</p> <p>16 may I properly call that an index?</p> <p>17 MR. HAMM: Objection.</p> <p>18 MR. BROWN: Q. Is that what you would call</p> <p>19 it?</p> <p>20 MR. HAMM: I'm just going to object. Lack of</p> <p>21 foundation about her knowledge of this document.</p> <p>22 MR. BROWN: Q. Do you call that address an</p> <p>23 index? It begins with http.</p> <p>24 A. It's a pointer to a document.</p> <p>25 Q. It's a pointer to a document. Did you --</p>

25 (Pages 94 to 97)

98	100
1 A. So.	1 MR. HAMM: Objection, lack of foundation.
2 Q. Do you recall if Google gathered information	2 THE WITNESS: Yes.
3 by going to the place described here, a pointer to a	3 MR. BROWN: Q. Let's look at the next page,
4 document, to gather information for this case?	4 which is 127083. And at the very top it says, "Notes
5 MR. HAMM: Objection, foundation.	5 from meeting earlier today." Number 1, "Eric Filler's
6 THE WITNESS: No, I do not.	6 team will process current list of TM terms (posted at,"
7 MR. BROWN: Q. Now, the lead-in to that	7 and then has a long HTTP address without any person's
8 address is, "All coordination information will soon be	8 name in the address. Do you see that?
9 posted and updated at," and then it's got a long address	9 A. Yes.
10 beginning with http://. Do you see that?	10 Q. Is that also an index for a location?
11 A. Yes.	11 MR. HAMM: Objection, lack of foundation.
12 Q. It suggests to me when I read this that that	12 MR. BROWN: Q. As far as you understand it?
13 information then can be accessed by others within	13 MR. HAMM: Same objection.
14 Google. Is that how you understand it?	14 THE WITNESS: Yes.
15 MR. HAMM: Same objection.	15 MR. BROWN: Q. Have you seen addresses of a
16 THE WITNESS: I'm not certain that that's	16 similar type to this where information has been posted
17 true.	17 and others are invited to go see that information?
18 MR. BROWN: Q. Are there circumstances that	18 A. Yes.
19 you've seen where an address such as this has been	19 Q. In what circumstances have you seen that?
20 provided to a group and the group is invited to go take	20 A. In e-mail communication.
21 a look at the document at that address?	21 Q. Had you -- do you know if Google has gone to
22 A. And they didn't have access? Is that . . .	22 this location to try to find documents that were
23 Q. That had access, that was giving more than one	23 responsive to requests made in this case?
24 person access to that document or to that address.	24 A. No, I do not.
25 A. I'm sorry. Repeat the beginning part of your	25 Q. Now, towards the bottom of this page, the
99	101
1 question?	1 words "Redacted" are in there. Do you see that?
2 Q. Yeah. Have you, in your working for Google,	2 A. Yes.
3 seen situations in which an address similar to this, of	3 Q. I'm sure you don't have any personal
4 this type --	4 recollection of what was redacted from there. Do you
5 A. Uh-huh.	5 know how -- do you know who makes decisions, and I'm not
6 Q. -- where more than one person was invited to	6 asking you the person's name, but do you know who makes
7 go look at the document or documents located at the	7 decisions about what information is redacted or kept in
8 address?	8 a document?
9 A. Yes.	9 MR. HAMM: Objection, vague.
10 Q. In what kinds of circumstances?	10 MR. BROWN: Q. In this case.
11 A. E-mail communication where a link is provided.	11 A. I've never seen this document.
12 Q. And for example, a work group, let's say a	12 Q. Okay.
13 sales group, have you seen any sales groups that have	13 A. The review is conducted by our counsel.
14 shared a common address like that and said, That is work	14 Q. Okay. Thank you.
15 of the group. go look at that document if you want	15 Do you know if Google, in this case, made any
16 access to it?	16 attempt to gather information responsive to American
17 A. I don't know in that context. I'm, I've seen	17 Airlines' requests related to the Broad Match
18 e-mail communications where there's links so that you	18 functionality of Google's AdWords?
19 can look at a document.	19 MR. HAMM: Objection, vague.
20 Q. So this particular address has Mr. Fuloria's	20 MR. BROWN: Q. Please answer the question.
21 name embedded in the address. Do you see that?	21 A. I don't have recollection of the exact
22 A. Yes.	22 request.
23 Q. And that suggests that it's somewhere on, its	23 Q. And I'm asking this as Google. Did Google
24 an index somehow related to Mr. Fuloria. Is that how	24 make any attempt to gather information responsive to
25 you understand it?	25 requests by American Airlines related to the Broad Match

26 (Pages 98 to 101)

<p style="text-align: right;">102</p> <p>1 functionality within AdWords?</p> <p>2 A. I don't recall.</p> <p>3 MR. HAMM: Objection, vague.</p> <p>4 MR. BROWN: Q. Do you know how much effort</p> <p>5 would be required in terms of hours, in terms of</p> <p>6 persons, in terms of money, that would have to be</p> <p>7 expended by Google to respond to American Airlines'</p> <p>8 requests that have been made for information related to</p> <p>9 the Broad Match functionality of AdWords?</p> <p>10 MR. HAMM: Objection, vague, ambiguous.</p> <p>11 THE WITNESS: No, I do not.</p> <p>12 MR. BROWN: Q. Do you know if Google has done</p> <p>13 any searching of its Google Analytics for information</p> <p>14 that's responsive to requests in this case?</p> <p>15 A. I don't recall.</p> <p>16 Q. Do you know what Google Analytics is?</p> <p>17 A. I have a vague understanding of Google</p> <p>18 Analytics.</p> <p>19 Q. What is your understanding?</p> <p>20 A. As it relates to the advertising program.</p> <p>21 Q. It's some online analysis that's available to</p> <p>22 advertisers to analyze their AdWords campaign; is that</p> <p>23 how you understand it?</p> <p>24 A. That's my limited understanding.</p> <p>25 Q. What, if anything, did Google do to look for</p>	<p style="text-align: right;">104</p> <p>1 you may have seen it on your computer at the office and</p> <p>2 not as a printout. But I'm asking you if you have seen</p> <p>3 information similar to this that was produced to</p> <p>4 American Airlines in this case by Google.</p> <p>5 A. Yes, I recall seeing data that looks much like</p> <p>6 this.</p> <p>7 Q. And from what database or databases or</p> <p>8 information sources was this information gathered?</p> <p>9 A. This appears to be from the ads database.</p> <p>10 Q. Do you know if gathering this information that</p> <p>11 was on Exhibit 6 there was any effort to gather</p> <p>12 information related to Broad Match terms?</p> <p>13 MR. HAMM: Objection, vague.</p> <p>14 THE WITNESS: I don't recall.</p> <p>15 MR. BROWN: Q. Do you know how much effort</p> <p>16 was expended by Google in gathering the information that</p> <p>17 is, was provided on Exhibit 6, or the remaining portion</p> <p>18 of the spreadsheet, which I didn't print because it</p> <p>19 would have been many pages?</p> <p>20 A. I can't quantify.</p> <p>21 Q. What is Google's position -- does Google have</p> <p>22 a position about how much effort was expended?</p> <p>23 A. I don't believe we've looked into that in</p> <p>24 terms of quantifying how much time and resources it took</p> <p>25 to collect this data.</p>
<p style="text-align: right;">103</p> <p>1 responsive information in Google Analytics?</p> <p>2 A. I do not recall.</p> <p>3 Q. Do you know if they did anything?</p> <p>4 A. I don't recall.</p> <p>5 Q. What's Google's position? Did it look or</p> <p>6 didn't it look?</p> <p>7 A. I don't recall, as I sit here.</p> <p>8 Q. So you're speaking on behalf of Google. What</p> <p>9 is your testimony on behalf of Google?</p> <p>10 MR. HAMM: What's the question?</p> <p>11 MR. BROWN: Q. Yes. What information, if</p> <p>12 any, did Google look for in response to requests made by</p> <p>13 American Airlines within Google Analytics?</p> <p>14 MR. HAMM: Objection, asked and answered.</p> <p>15 MR. BROWN: Q. You still must answer.</p> <p>16 A. I do not recall.</p> <p>17 MR. HAMM: And also, I'm going to object to</p> <p>18 that last question as vague.</p> <p>19 MR. BROWN: Q. Show you the next exhibit.</p> <p>20 She doesn't need it.</p> <p>21 THE REPORTER: Oh, that's previously marked.</p> <p>22 MR. BROWN: Q. It's Exhibit 6, which has</p> <p>23 previously been marked in this case. It was first used</p> <p>24 with Mr. Millikin. And this is a printout of part of a</p> <p>25 long spreadsheet that was provided to us by Google. And</p>	<p style="text-align: right;">105</p> <p>1 MR. HAMM: Can we go off the record?</p> <p>2 MR. BROWN: Not at the moment. I've not</p> <p>3 finished my line of questioning here so we may not go</p> <p>4 off the record.</p> <p>5 MS. WEXLER: Actually, I think the witness is</p> <p>6 entitled to take a break whenever she wants to.</p> <p>7 MR. BROWN: Counselor, you are not</p> <p>8 representing the witness here; only Mr. Hamm is. I've</p> <p>9 been polite and I will continue to be polite, but we are</p> <p>10 not going off the record now until I've finished this</p> <p>11 line of questioning.</p> <p>12 Q. We've taken a look at this database, and we</p> <p>13 have found that there are approximately 75,000 records</p> <p>14 that have no company name, explicit company name</p> <p>15 associated with it. Have you done any investigation</p> <p>16 that relates to how many missing company names there</p> <p>17 were on the data that was provided to us that was within</p> <p>18 the information provided, exemplified by Exhibit 6?</p> <p>19 MR. HAMM: Objection, vague.</p> <p>20 THE WITNESS: I don't understand the question.</p> <p>21 MR. BROWN: Q. Did you do anything, did</p> <p>22 Google do anything to make sure that the information</p> <p>23 that was provided to American Airlines in this case was</p> <p>24 complete? And I'm referring to the information that's</p> <p>25 exemplified by Exhibit 6.</p>

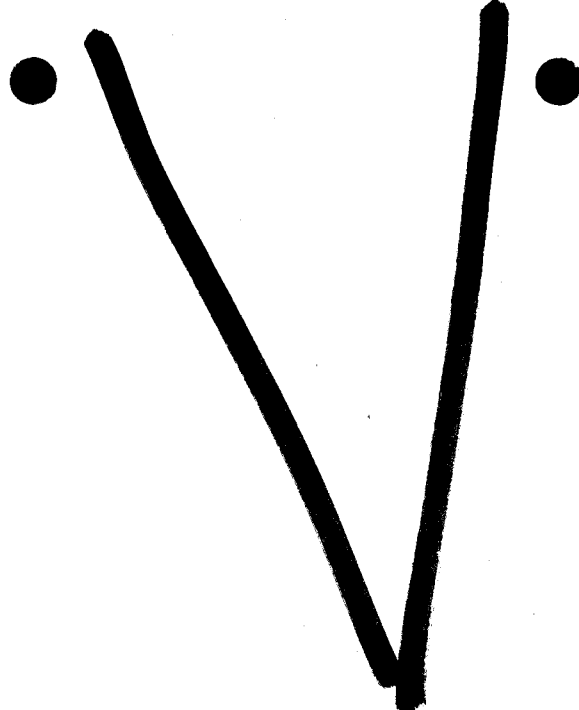
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<p>1 A. I, I don't know the answer.</p> <p>2 Q. Did Google do anything to ascertain whether</p> <p>3 all company names that it had were reflected in the</p> <p>4 Excel spreadsheet that was provided to American Airlines</p> <p>5 in this case?</p> <p>6 A. I'm not sure what you mean by "all company</p> <p>7 names."</p> <p>8 Q. Well, there were, as I said, by our count</p> <p>9 almost 75,000 names that were missing from the Excel</p> <p>10 spreadsheet that were provided to American Airlines.</p> <p>11 Did Google do anything to ascertain whether it had that</p> <p>12 company names or it didn't have those company names that</p> <p>13 were missing?</p> <p>14 A. You're asking about search criteria from the</p> <p>15 ads database?</p> <p>16 Q. I'm asking --</p> <p>17 A. An engineer pulled the data.</p> <p>18 Q. -- did you, Google, do anything to make sure</p> <p>19 that all company names that it had were reflected in the</p> <p>20 Excel spreadsheet that was provided to American</p> <p>21 Airlines?</p> <p>22 A. I do not know if that was what was part of the</p> <p>23 request.</p> <p>24 MR. BROWN: Okay. I have no problem in taking</p> <p>25 a break now if you need a break. We can go off the</p>	<p>1 subjects that we're covering here in the deposition</p> <p>2 today with your lawyer during the last break?</p> <p>3 MR. HAMM: It's a yes or no question. You can</p> <p>4 answer it.</p> <p>5 MS. WEXLER: It's the same objection.</p> <p>6 MR. HAMM: I'm going to continue with my</p> <p>7 objection, and I'm going to instruct the witness not to</p> <p>8 answer.</p> <p>9 MR. BROWN: Q. I have before you the next</p> <p>10 exhibit in order, which is Exhibit 9.</p> <p>11 A. Okay.</p> <p>12 Q. Have you seen this document before?</p> <p>13 A. No.</p> <p>14 Q. Let's put the exhibit aside.</p> <p>15 In other cases in which Google has produced</p> <p>16 documents related to trademark disputes -- for example,</p> <p>17 the trademark dispute it had with Geico and American</p> <p>18 Blinds -- it produced documents in those cases. Am I</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. And those documents had document production</p> <p>22 numbers on them when they were produced to the other</p> <p>23 parties; is that right?</p> <p>24 A. I believe so.</p> <p>25 Q. Have you ever seen those documents, some or</p>
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<p>1 record.</p> <p>2 MS. WEXLER: I would like to take a break.</p> <p>3 MR. BROWN: That's fine. We are not having</p> <p>4 substantive suggestions discussions the witness about</p> <p>5 testimony when we are off the record.</p> <p>6 MR. HAMM: Sure, we are.</p> <p>7 MR. BROWN: You are not allowed to. It's</p> <p>8 sanctionable conduct.</p> <p>9 MS. WEXLER: We know what we're allowed to do.</p> <p>10 MR. BROWN: Q. I will ask you when you get</p> <p>11 back what you talked about.</p> <p>12 (Recess taken; Deposition Exhibit 9 was</p> <p>13 marked for identification.)</p> <p>14 MR. BROWN: Let's go back on the record.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. BROWN: Q. I'm going to ask you about if</p> <p>17 you talked about the substance of your testimony during</p> <p>18 your last break.</p> <p>19 MR. HAMM: I'm going to object that the</p> <p>20 conversations we had during our last break are</p> <p>21 attorney-client privileged, and I'm instructing you not</p> <p>22 to answer that question.</p> <p>23 MR. BROWN: Q. I'm not asking you what was</p> <p>24 said. I'm asking you if you talked generally about</p> <p>25 the -- my question is general. Did you talk about the</p>	<p>1 all of them, produced in those other cases?</p> <p>2 A. No.</p> <p>3 Q. Where are those documents stored?</p> <p>4 A. With counsel.</p> <p>5 Q. Which counsel?</p> <p>6 A. I believe Keker handled Geico and American</p> <p>7 Blinds.</p> <p>8 Q. Do you know if documents from those other</p> <p>9 cases were produced in this case?</p> <p>10 A. Yes, I understand that.</p> <p>11 Q. Do you know if the document numbers from the</p> <p>12 previous cases were removed from those documents when</p> <p>13 those documents were produced to American Airlines in</p> <p>14 this case? Do you know one way or the other?</p> <p>15 A. I do not know.</p> <p>16 Q. If you wanted to see the documents that were</p> <p>17 produced in the other cases with the document production</p> <p>18 numbers on them, where would you go?</p> <p>19 A. I would call counsel.</p> <p>20 Q. And by counsel, you mean lawyers at Keker?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any online access, does Google</p> <p>23 have any online access to those documents produced in</p> <p>24 the other cases?</p> <p>25 A. Not currently.</p>

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<p>114</p> <p>1 with Google.</p> <p>2 Q. What is the ICS?</p> <p>3 A. It's the internal customer support system.</p> <p>4 Q. So -- okay. Thank you.</p> <p>5 And how does someone in Google access the</p> <p>6 internal customer support system?</p> <p>7 A. Through our password intranet.</p> <p>8 Q. Do you sometimes, does Google sometimes take a</p> <p>9 look at the information within its internal customer</p> <p>10 support system in relationship to litigation?</p> <p>11 A. Yes.</p> <p>12 Q. On what occasions have -- has that been done</p> <p>13 in this case?</p> <p>14 MR. HAMM: Objection.</p> <p>15 MR. BROWN: Q. Has Google taken a look at its</p> <p>16 ICS for purposes of this case?</p> <p>17 MR. HAMM: Objection. I'm going to instruct</p> <p>18 you not to answer that question. It's an objection that</p> <p>19 it's vague and that it's calling for attorney-client</p> <p>20 communications and work product.</p> <p>21 MR. BROWN: Q. Has Google taken a look for</p> <p>22 purposes of this case at information within Google</p> <p>23 Analytics?</p> <p>24 MR. HAMM: Same objections.</p> <p>25 MR. BROWN: Same instruction?</p>	<p>116</p> <p>1 A. To only their information, correct.</p> <p>2 Q. Does the customer support system have number</p> <p>3 of clicks on a particular advertisements, for example?</p> <p>4 MR. HAMM: Object that this is beyond the</p> <p>5 scope of the topic of this that you're testifying about</p> <p>6 today, but you can answer the question, if you know.</p> <p>7 THE WITNESS: I believe so, in the campaign</p> <p>8 management that you can see average click and cost.</p> <p>9 Again, this is an interface. This information is in the</p> <p>10 ads database as well, in a much more detailed and</p> <p>11 substantive format. This is just a, a UI.</p> <p>12 MR. BROWN: Q. Can you also, through this</p> <p>13 interface, take a look at conversions, from clicks to</p> <p>14 conversions?</p> <p>15 MR. HAMM: Objection, vague.</p> <p>16 THE WITNESS: I don't know the answer to that.</p> <p>17 MR. BROWN: Q. Is there information kept</p> <p>18 within ICS related to Broad Match?</p> <p>19 MR. HAMM: Objection, vague.</p> <p>20 THE WITNESS: I don't know the answer to that.</p> <p>21 MR. BROWN: Q. Now, when you say it's an</p> <p>22 interface to the ads database, tell us what you mean by</p> <p>23 that.</p> <p>24 A. I already explained that it's where the</p> <p>25 customer service representative for that account can</p>
<p>115</p> <p>1 MR. HAMM: Same instruction, same objections.</p> <p>2 Your questions are not limited in any way to document</p> <p>3 collection efforts at this point. You're asking what</p> <p>4 we've done potentially to prepare for this case</p> <p>5 strategically, among many other possibilities, and I'm</p> <p>6 going to instruct the witness not to answer.</p> <p>7 MR. BROWN: Q. What information is kept</p> <p>8 within the customer support system, the internal</p> <p>9 customer support system?</p> <p>10 A. Information, it's, it's like I said, it's the</p> <p>11 interface where the customer service rep can monitor the</p> <p>12 account. So billing information, address information.</p> <p>13 Sometimes advertisers' accounts are managed by a third</p> <p>14 party advertising company. So contact information for</p> <p>15 those parties, campaign data.</p> <p>16 Q. What is campaign data?</p> <p>17 A. Campaign data is the campaigns that the</p> <p>18 advertisers are running and the keywords that they're</p> <p>19 using for those campaigns. They identify them as a</p> <p>20 campaign or an ad group. So that type of information is</p> <p>21 in there. This is an interface so that you can get a</p> <p>22 quick look at a particular account. And the advertiser</p> <p>23 has access to that account with the same interface.</p> <p>24 Q. Google has access and the advertiser has</p> <p>25 access to that information.</p>	<p>117</p> <p>1 access the information about the account, about the</p> <p>2 customer, and the customer can access and monitor their</p> <p>3 accounts from that UI.</p> <p>4 Q. Is Google Analytics provided through that ICS,</p> <p>5 do you know, just to those customers who sign up for it?</p> <p>6 A. I don't know the answer to that.</p> <p>7 Q. In what form, or how -- let me rephrase.</p> <p>8 How is Google Analytics made available to</p> <p>9 Google's customers for those who sign up to it?</p> <p>10 MR. HAMM: Objection that this is beyond the</p> <p>11 scope of the deposition topic.</p> <p>12 THE WITNESS: I don't know the -- I can't</p> <p>13 answer that.</p> <p>14 MR. BROWN: I don't have any further</p> <p>15 questions. Thanks very much for your time.</p> <p>16 THE WITNESS: Uh-huh.</p> <p>17 MR. HAMM: Before -- can we go off the record,</p> <p>18 and then ...</p> <p>19 THE REPORTER: Is that okay with you,</p> <p>20 Mr. Brown?</p> <p>21 MR. BROWN: Sure, absolutely.</p> <p>22 (Whereupon, the deposition was</p> <p>23 recessed and subsequently adjourned</p> <p>24 At 4:40 p.m.)</p> <p>25 --oOo--</p>

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**DEPOSITION QUESTIONS WHICH GOOGLE'S COUNSEL INSTRUCTED
LESLIE ALTHERR NOT TO ANSWER**

A. Questions Regarding What Documents or Information Were Requested or Provided

1. 16:16-17:17: What documents [did you ask for from Alene Latimer on the trademark team]?
2. 17:18-23: Other than following up with Alene [Latimer] to ask her more about training documents, what other kinds of documents did you ask Alene for?
3. 18:22-24: And what did you ask [Robert On, the ads engineer] for?
4. 27:14-18: And what did you ask of Alene [Latimer] related to the Beaker database?
5. 30:21-23: And what did you ask Logan [Hanks, an engineer] for?
6. 35:10-12: And what was Dustin Baker [the software engineer] asked for?
7. 41:9-12: What information was asked of Jeff Zidell [a manager in the travel vertical direct sales group]?
8. 43:3-7: Other than financial data, how would you describe with more particularity what [Jeff Zidell] was asked to look for?
9. 45:17-19: What did you ask [Dan Green, an online sales individual] for?
10. 46:14-16: What did [Dan Green] provide to you?

B. Questions Regarding Whether Additional Documents or Information Were Requested

11. 21:11-15: Did [Robert On] provide, did you ask him for any information from an ads database that related to United Airlines, for example?
12. 21:16-17: [Did you ask Robert On for any information from an ads database that related to] Travelocity?
13. 21:18-22: [Did you ask Robert On for any information from an ads database that related to] Orbitz?
14. 21:23-25: [Did you ask Robert On for any information from an ads database that related to] Cheapo Air?
15. 22:1-5: Did you ask Robert [On] for any information related to conversion data?

C. Questions Regarding What Search Terms or Criteria Were Used to Identify Relevant Documents or Information

16. 18:25-19:8: In your request to Alene [Latimer] and your request to Robert [On], did you ask them to search for the use of particular terms so that you could determine some relevancy from the documents you were asking them to search for?
17. 25:3-5: And I'm asking you what [search terms were used by Robert On to search the ads database]?
18. 27:19-22: Did you describe to [Alene Latimer] what words you wanted searched for within the Beaker database?
19. 27:23-25: Which words did you ask [Alene Latimer] to search for [within the Beaker database]?
20. 28:1-4: Did you ask [Alene Latimer] to search for terms that Orbitz, for example, [] asked to be put on the Beaker database?
21. 28:5-7: Did you ask [Alene Latimer] for terms that American Airlines had asked not to be used by Google?
22. 28:20-22: Which words [were used to search the Beaker database for information responsive in this case]?
23. 30:24-31:2: Did you give [Logan Hanks] any search terms that he should look for, or other criteria?
24. 35:13-16: Do you know if Dustin Baker was asked to use particular search terms or other criteria to search the keyword tool?
25. 35:17-19: Do you know what terms or criteria [Dustin Baker] was asked to use?
26. 42:14-16: Do you know what criteria [Jeff Zidell] was asked to use to search for data?
27. 45:20-22: Did you give [Dan Green] criteria that he was to use?

D. Questions Regarding Possible Sources of Information or Possible Obstacles to Information Retrieval

28. 20:25-21:4: Did the other ads engineers solely refer you to Robert [On] as the source for information about the ads database?
29. 56:16-21: And then FIOS responded somehow by saying that there was a data compatibility issue?
30. 63:14-18: Is this the list of names that you gave to systems operations to search for their custodial files?
31. 63:19-24: Were there any names of custodial files that you asked to be gathered and provided that are not on this list?

- 32. 65:14-18: When were the files requested for those [names listed] in Exhibit 2?
- 33. 65:19-21: When were the files requested for the four names you just mentioned to me?
- 34. 114:15-20: Has Google taken a look at its [internal customer support system] for purposes of this case?
- 35. 114:21-115:6: Has Google taken a look for purposes of this case at information within Google Analytics?

E. Questions Regarding Types of Information Requested on Discovery Ticket

- 36. 48:19-49:2: And what information did you put on the ticket? Describe it in general first, and then I'll ask you in particular after that.
- 37. 49:14-50:14: What else do you ask for, in general [with respect to the particular discovery ticket]? . . . I'm asking for the fields. For example, is there a date field, is there a general field, is there a names field that you would fill out saying, Gather information from these sources? Is there a subject field describing generally the subject? That's all I'm asking for, the fields. What are the categories of information that are on this ticket that you have provided?
- 38. 51:10-13: Are there any other drop down menus that you use on this [discovery] ticket?
- 39. 51:14-18: Are there any criteria that you must provide on this [discovery] ticket in order for the systems operations group, in this case, to search for information?
- 40. 53:10-13: And what type of information [were] asked for in the first [discovery] ticket?
- 41. 54:4-7: Did you provide any criteria for the information that was to be looked for [with respect to the discovery tickets]?
- 42. 54:8-11: Did you provide any names [] of persons whose email was to be retrieved?
- 43. 54:15-17: How many people, how many email accounts did you ask to be retrieved?
- 44. 66:19-67:1: If you were to look at the tickets that we have been talking about, would you be able to tell me the names of the files that were requested, the names of the persons whose files were requested?
- 45. 67:2-5: Which ticket were those four names on? The second ticket, third ticket, first ticket?

F. Question Regarding Possible Coaching of Witness During Deposition Break

- 46. 107:16-108:8: I'm going to ask you about if you talked about the substance of your testimony during your last break. . . . I'm not asking you what was said. I'm asking you if you talked generally about the -- my question is general. Did you talk about the

subjects that we're covering here in the deposition today with your lawyer during the last break?

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